

2008

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 32, Issue 8
February 22, 2008
Pages 2604-2856

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

Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or preemptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

2008 REGISTER SCHEDULE VOLUME #32

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2007*	January 4, 2008
2	December 31, 2007	January 11, 2008
3	January 7, 2008	January 18, 2008
4	January 14, 2008	January 25, 2008
5	January 22, 2008	February 1, 2008
6	January 28, 2008	February 8, 2008
7	February 4, 2008	February 15, 2008
8	February 11, 2008	February 22, 2008
9	February 19, 2008	February 29, 2008
10	February 25, 2008	March 7, 2008
11	March 3, 2008	March 14, 2008
12	March 10, 2008	March 21, 2008
13	March 17, 2008	March 28, 2008
14	March 24, 2008	April 4, 2008
15	March 31, 2008	April 11, 2008
16	April 7, 2008	April 18, 2008
17	April 14, 2008	April 25, 2008
18	April 21, 2008	May 2, 2008
19	April 28, 2008	May 9, 2008
20	May 5, 2008	May 16, 2008
21	May 12, 2008	May 23, 2008
22	May 19, 2008	May 30, 2008
23	May 27, 2008	June 6, 2008

24	June 2, 2008	June 13, 2008
25	June 9, 2008	June 20, 2008
26	June 16, 2008	June 27, 2008
27	June 23, 2008	July 7, 2008
28	June 30, 2008	July 11, 2008
29	July 7, 2008	July 18, 2008
30	July 14, 2008	July 25, 2008
31	July 21, 2008	August 1, 2008
32	July 28, 2008	August 8, 2008
33	August 4, 2008	August 15, 2008
34	August 11, 2008	August 22, 2008
35	August 18, 2008	August 29, 2008
36	August 25, 2008	September 5, 2008
37	September 2, 2008	September 12, 2008
38	September 8, 2008	September 19, 2008
39	September 15, 2008	September 26, 2008
40	September 22, 2008	October 3, 2008
41	September 29, 2008	October 10, 2008
42	October 6, 2008	October 17, 2008
43	October 14, 2008	October 24, 2008
44	October 20, 2008	October 31, 2008
45	October 27, 2008	November 7, 2008
46	November 3, 2008	November 14, 2008
47	November 10, 2008	November 21, 2008
48	November 17, 2008	December 1, 2008
49	November 24, 2008	December 5, 2008
50	December 1, 2008	December 12, 2008
51	December 8, 2008	December 19, 2008
52	December 15, 2008	December 26, 2008
53	December 22, 2008	January 2, 2009

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Grants
- 2) Code Citation: 59 Ill. Adm. Code 400
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
400.10	Repeal
400.20	Repeal
400.30	Repeal
400.40	Repeal
400.50	Repeal
400.60	Repeal
400.70	Repeal
400.80	Repeal
400.90	Repeal
400.100	Repeal
400.110	Repeal
400.120	Repeal
- 3) Statutory Authority: Implementing and authorized by the Illinois Council on Developmental Disabilities Law [20 ILCS 4010].
- 4) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking is intended to repeal existing Sections to allow for adoption of proposed rules published in this volume and issue of the *Illinois Register*.
- 5) Will this proposed repealer replace any emergency repealer currently in effect? No
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed repealer contain incorporations by reference? No
- 8) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
400.10	New	32 Ill. Reg. 2618; February 22, 2008
400.20	New	32 Ill. Reg. 2618; February 22, 2008
400.30	New	32 Ill. Reg. 2618; February 22, 2008
400.40	New	32 Ill. Reg. 2618; February 22, 2008
400.50	New	32 Ill. Reg. 2618; February 22, 2008

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NOTICE OF PROPOSED REPEALER

400.60	New	32 Ill. Reg. 2618; February 22, 2008
400.65	New	32 Ill. Reg. 2618; February 22, 2008
400.70	New	32 Ill. Reg. 2618; February 22, 2008
400.80	New	32 Ill. Reg. 2618; February 22, 2008
400.90	New	32 Ill. Reg. 2618; February 22, 2008
400.100	New	32 Ill. Reg. 2618; February 22, 2008
400.110	New	32 Ill. Reg. 2618; February 22, 2008
400.120	New	32 Ill. Reg. 2618; February 22, 2008

- 9) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 10) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of this Notice to:
- Kerry Flynn
Illinois Council on Developmental Disabilities
830 South Spring Street
Springfield, Illinois 62704
- 217/782-9696
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None. This rulemaking is a repealer. See proposed rulemaking for this part in this issue of the *Illinois Register*.
- B) Reporting, bookkeeping or other procedures required for compliance: None. This rulemaking is a repealer. See proposed rulemaking for this part in this issue of the *Illinois Register*.
- C) Types of Professional skills necessary for compliance: None. This rulemaking is a repealer. See proposed rulemaking for this part in this issue of the *Illinois Register*.
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2007

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

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- 14) Does this repealer require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

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

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED REPEALER

TITLE 59: MENTAL HEALTH

CHAPTER IV: ILLINOIS PLANNING COUNCIL ON DEVELOPMENTAL DISABILITIES

PART 400

GRANTS (REPEALED)

Section	
400.10	Purpose
400.20	Definitions
400.30	Notice, General Characteristics of, and Eligibility for Grants
400.40	Grant Applications
400.50	Approval of Applications/Proposals
400.60	Appeals Process
400.70	Quarterly and Final Reports
400.80	Monitoring and Evaluation
400.90	Suspension and Termination
400.100	Other Requirements
400.110	General Provisions – Recordkeeping
400.120	General Provisions – Allowable Expenses

AUTHORITY: Implementing and authorized by the Illinois Planning Council on Developmental Disabilities Law [20 ILCS 4010].

SOURCE: Adopted at 17 Ill. Reg. 11151, effective July 2, 1993; repealed at 32 Ill. Reg. _____, effective _____.

Section 400.10 Purpose

The Illinois Planning Council on Developmental Disabilities is the recipient of federal funds under the State Basic Support Program under the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1990 (42 U.S.C. 6000 et seq.). For the purposes of this Act, the Council awards grants to individuals and organizations to implement activities in the Federal and State priority areas, as identified in the State Plan. State priority area activities may include, but are not limited to, education, housing, employment, family and individual supports, access services, community support/service support coordination, health, advocacy, and early intervention. Such grants are used to make a significant contribution toward enhancing the independence, productivity, and integration of persons with developmental disabilities into the community. The purpose of this Part is to explain how to apply for grants, what information is considered in awarding grants, and what procedures are used to grant awards.

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

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Section 400.20 Definitions

As used in this Part:

"Authorized Agent": means any individual or organization contracted by the Council to act on behalf of the Council.

"Council": means the Illinois Planning Council on Developmental Disabilities.

"Director": means the Director of the Illinois Planning Council on Developmental Disabilities or authorized representative.

"FFY": means federal fiscal year.

"Federal Priority Area Activities": means activities and assistance for persons with developmental disabilities required under 42 U.S.C. 6000 et seq.

"Grant Agreement": means a form describing provisions of a grant award which must contain signatures of the parties involved certifying agreement of the contract.

"Grantee": means the recipient of Council funds.

"Project Period": means the length of time for which a grant is approved using Council funds.

"RFP": means a Request for Proposal.

"State Plan": means the Plan required under 42 U.S.C. 6000 et seq.

"State Priority Area Activities": means priority area activities in an area considered essential by the Council.

Section 400.30 Notice, General Characteristics of, and Eligibility for Grants

- a) The Council provides grants for the following general purposes:
 - 1) To provide initial start-up funding for projects in their developmental

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stages.

- 2) To fund demonstration or replication projects.
 - 3) To provide technical assistance in state-of-the-art practices.
 - 4) To provide research to promote the integration, productivity, and independence of people with developmental disabilities.
- b) The Council provides notice of the availability of RFPs through announcements disseminated to its mailing list comprised of State agencies, providers of services, people with developmental disabilities and their families, and other interested individuals.

Section 400.40 Grant Applications

Applicants, which include individuals, for profit and not-for-profit agencies and organizations may apply for grants from the Council through a competitive RFP process. All applicants must sign and comply with a statement of assurances that:

- a) If a grantee provides direct services to persons with developmental disabilities, a written individualized plan is in effect for persons served which meets the requirements of Section 123 of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1990 (42 U.S.C. 6000 et seq.).
- b) The preservation of all constitutional and other rights of persons with developmental disabilities will be maintained. Grant recipients must acknowledge receipt of and compliance with a complete list of these rights as found in Section 110 and required by Section 122(b)(6)(C) of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1990 (42 U.S.C. 6000 et seq.).
- c) Buildings used in connection with the programs and projects funded by the Council will meet the standards adopted pursuant to the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.).
- d) Adherence to Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

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- e) Affirmative action is taken to employ and advance in employment qualified handicapped individuals on the same terms as required by the Rehabilitation Act of 1973.
- f) Adherence to the provisions of the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).
- g) All grantees receiving more than \$25,000 per year in federal grant funds shall submit to the Council a copy of the agency's annual audit within twelve (12) months after completion of the final report. Grantees who are not-for-profit agencies and institutions of higher education shall comply with the federal Office of Management and Budget (OMB) Circular No. A-133, "Audits of Institutions of Higher Education and Other Non-Profit Institutions" and with the Single Audit Act of 1984 (31 U.S.C. 7501 et seq.). Grantees who are units of State and local governments shall comply with the Single Audit Act of 1984 and OMB Circular No. A-128, "Audits of State and Local Governments," as subrecipients of federal funds. All other grantees shall comply by obtaining an audit of the Council funded project that includes the specifications in subsection (k) below.
- h) Agree to enter into and comply with all stipulations as stated in the grant agreement, grant award letter, and/or any other written stipulations made by the Council. As an example of the written stipulation, grantees shall comply with the reporting requirements of the Council.
- i) Agree that any changes or amendments to the signed grant agreement must have the prior approval of the Director.
- j) Provision of a drug free workplace and completion of a "Drug Free Workplace Certification." By completing this certification, the grantee certifies that they will not engage in the unlawful manufacture, distribution, possession or use of a controlled substance in the performance of the grant.
- k) In order to satisfactorily meet the fiscal and audit requirements of the Council, financial records must fully disclose the amount and disposition of the proceeds of the grant funds; reflect the total cost of the project; disclose the amount of that portion of the cost of the project or undertaking supplied by other sources; and be made available to duly authorized representatives of the federal or State government for the purpose of audit and examination of any books, documents and records of the recipients of such funds.

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- l) Funds awarded to the grantee will be expended not later than one year, unless stipulated otherwise by the Council, following the grant start-up and/or the date the grantee begins to incur expenses as specified in the grant agreement.
- m) If an application for a grant is filed by a corporation, the applicant must have the necessary legal authority to apply for and to receive the proposed grant. Proof of this authority shall be the signature of the Chief Executive Officer and a copy of the certificate of incorporation.
- n) The activities and services for which assistance is sought under the program will be administered by or under the supervision of the applicant in accordance with the laws and regulations applicable to the contract. Subcontractors must be approved at the time of initial application or by requesting the approval of the Director of the Council in writing during the course of the grant.
- o) The applicant is not prohibited from entering into a contract by Section 33E-3 or 33E-4 of the Criminal Code of 1961 (Ill. Rev. Stat. 1991, ch. 38, pars. 33E-3, 33E-4) [720 ILCS 5/33E-3, 33E-4].
- p) The applicant is not prohibited from entering into a contract by Section 10.1 of the Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, par. 132-10.1) [30 ILCS 505/10.1].
- q) The applicant is not prohibited from entering into a contract by Section 11.1 of the Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, par. 132-11.1) [30 ILCS 505/11.1].

Section 400.50 Approval of Applications/Proposals

- a) A review team shall be established by the Director for each RFP category. Each review team shall be composed of persons with developmental disabilities, their representatives, Council staff and other individuals outside the Council who have experience or expertise in the subject area of the RFP category.
- b) Each review team will review and evaluate the pool of applications which are postmarked on or before the due date specified in the RFP and advise the Council on the outcomes of its review.

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- c) Proposals shall be evaluated in accordance with the following criteria:
- 1) Project description and benefits – Whether the proposal adequately describes the intent of the RFP and its related activities and the benefits to people with developmental disabilities and their families. (20 points)
 - 2) Project implementation and quality assurance – Whether the proposal describes an implementation strategy that sets forth measurable objectives, evaluation criteria, and timeframes for accomplishing each goal of the RFP on forms provided by the Council. (50 points)
 - 3) Budget – Whether the proposal accounts for its budget request by identifying specific uses of grant funds and whether the budget is reasonable and cost effective in view of the proposed goals of the project (e.g., personnel, fringe, travel, commodities, etc.) on forms provided by the Council. (10 points)
 - 4) Project staff and qualifications – Whether the proposal provides adequate detail to demonstrate the applicant's capability and expertise to implement the project. (20 points)
- d) The Council reserves the right to consider the applicant's past performance on other Council grants in addition to the criteria listed immediately above.
- e) The Council shall make the final determinations for award of funds as specified in the provisions of subsections (c)(1-4) and (d) above.
- f) Individuals who are employed by or affiliated with the applicant, or who have an appearance of or a known conflict of interest, or who have a financial interest in an application shall not participate in the review process.

Section 400.60 Appeals Process

- a) Any individual or organization denied an award or who received a written notice of suspension or termination in accordance with Section 400.90 of this Part may appeal the decision. A written request for appeal that includes a clear, concise statement of the reason for the appeal must be received by the Chairperson of the Council within thirty (30) calendar days of the denial or written notice.

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- b) Within fourteen (14) calendar days after receipt of the request for an appeal, the Chairperson shall appoint an Appeals Committee representative of the membership composition of the Council. The membership of the Appeals Committee shall not include individuals who are affiliated with the individual or organization requesting the appeal.
- c) Within thirty (30) calendar days after appointment, the Appeals Committee shall convene a meeting and review any documentation presented by the individual or organization. The individual or organization will be invited to appear before the Appeals Committee.
 - 1) The individual or organization may submit any evidence which they believe is relevant to the appeal.
 - 2) The Appeals Committee may also request the individual or organization to supply additional information related to the issue being appealed.
 - 3) The Appeals Committee will advise the individual or organization of their decision in writing within ten (10) calendar days after their meeting and provide the reasons for denial or overturning the original decision.
- d) An individual or organization may withdraw the appeal at any time during the appeals process.
 - 1) The withdrawal shall be submitted in writing to the Chairperson of the Council.
 - 2) The Council shall acknowledge the withdrawal of the appeal and advise the individual or organization that the appeal is formally closed.
 - 3) The Council shall furnish copies of the acknowledgement of the withdrawal to the members of the Appeals Committee.
- e) The decision of the Appeals Committee is final.

Section 400.70 Quarterly and Final Reports

Grantees are required to submit to the Council quarterly reports and a final report for the project. The Council may require grantees to submit monthly narrative reports that provide documented

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evidence of progress toward meeting the goals and objectives of the project, for example, when the project period is less than twelve (12) months.

- a) Each quarterly report should be submitted to the Council within 30 days after the completion of each quarter and shall provide, at a minimum:
 - 1) Documented evidence of progress toward meeting the goals and objectives for the quarter.
 - 2) Expenditure accounting of Council grant funds for the quarter in a form provided by the Council.
- b) A final report shall be submitted to the Council by the grantee within 30 days after the conclusion of each project year. Each final report shall provide, at a minimum:
 - 1) Overall summary of the accomplishments in addressing the goals and objectives of the approved proposal.
 - 2) Description of the final product and/or outcomes.
 - 3) Description of any major inconsistencies between the obligations of the grant recipient and the approved proposal and the final product.
 - 4) Final expenditure report in a form provided by the Council.

Section 400.80 Monitoring and Evaluation

- a) Grantees shall permit any Council staff or their authorized agent to have full access to and the right to examine any programs, documents, papers, and records of the grantee involving transactions related to a grant from the Council. The Council shall provide written notice in advance of its request to examine the information.
- b) Grantees shall comply with federal and State statutes and rules and regulations governing the confidentiality of personally identifiable information concerning persons receiving or applying for services from the grantee related to the project. When the Council or its authorized agent intends to examine any documents that may contain personally identifiable information, the Council shall provide written

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED REPEALER

notice to the grantee fourteen (14) days in advance of the date the examination will be made.

Section 400.90 Suspension and Termination

- a) Suspension - In the event that a grantee fails to comply with the terms and conditions of the grant award or the circumstances specified in subsection (b)(2) below, the Council shall, after written notice to the grantee, suspend the grant and withhold further payments and prohibit the grantee from incurring additional obligations of grant funds, pending resolution of the issue(s), or termination. The Council may require the submission of a written plan of action to address the issues in dispute. Payments to the grantee will resume upon resolution of the issues in dispute.
- b) Termination - The grant may be terminated for the following reasons:
 - 1) In the event of a partial or total loss of federal funding, or the failure of the Illinois General Assembly to appropriate or otherwise make available funds to the Council, the Council may make proportional or total cuts to all grants. In this event the Council will give written notice to grantees setting forth the effective date of full or partial termination, or, if a change in funding is required, setting forth the change in funding and changes in the approved budget.
 - 2) In the event that the Council determines that the grantee has failed to comply with the terms and conditions of the grant award and agreement, the Council may terminate the grant in whole, or in part, at any time upon written notice to the grantee. Circumstances that could result in termination of a grant include, but are not necessarily limited to, the following: failure to submit required reports; failure to maintain required records; misuse of equipment purchased with grant funds; falsification or misrepresentation of information to the Council; failure to meet goals, objectives, and timeframes identified by the grantee in its proposal; and failure to resolve issues in dispute during suspension. Written notice shall contain the reasons for termination and the effective date.
 - 3) All grants issued under this Part shall be governed by the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1991, ch. 127, par. 2301 et seq.) [30 ILCS 705/1 et seq.]. Funds granted for the operation of projects awarded

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must be used exclusively for the purposes stated in the approved proposal and expended in accordance with the approved budget, spending plan, grant agreement, or as amended and the grantee's policies and procedures related to such expenditures.

- c) A grantee may appeal the Council's decision to suspend or terminate a grant, except the decision pursuant to subsection (b)(1) above.
- d) Section 400.60 of this Part shall govern the appeals process.

Section 400.100 Other Requirements

- a) Ownership of grant materials – Unless otherwise stipulated by the terms of the grant agreement:
 - 1) If copyrightable material is developed during the course of or under the grants, the Council has a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use and to authorize others to use, the work for State and federal government purposes.
 - 2) The cover of the product or report shall attribute sponsorship of the work to the Illinois Planning Council on Developmental Disabilities and shall contain a statement that the contents do not necessarily represent the policy of that agency.
 - 3) All equipment with a unit cost of \$500 or more purchased by Council grant funds becomes the property of the Council unless stipulated otherwise in conjunction with the grant award.
- b) A minimum of one hundred (100) copies of the final approved product shall be made available to the Council unless stipulated otherwise in the RFP.

Section 400.110 General Provisions – Recordkeeping

The applicant will maintain records on program and fiscal activities related to each award for a period of five (5) years following the end of the grant period. Such records shall include a fiscal accounting for all funds in accordance with generally accepted governmental accounting principles.

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Section 400.120 General Provisions – Allowable Expenses

Costs must meet the following criteria to be allowable expenses for Council grant award funds:

- a) Be necessary and reasonable to carry out the goals/intent of the approved project.
- b) Be authorized under the approved budget and not prohibited by federal, State or local laws or regulations.
- c) Conform to any specifications set forth in the approved project or this Part and grant monitoring procedures.
- d) Not be used to supplant services and activities from other funding sources.
- e) Not exceed in total the approved budget amount.

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: State Plan, Awards and Administrative Requirements
- 2) Code Citation: 59 Ill. Adm. Code 400
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
400.10	New
400.20	New
400.30	New
400.40	New
400.50	New
400.60	New
400.65	New
400.70	New
400.80	New
400.90	New
400.100	New
400.110	New
400.120	New
- 4) Statutory Authority: Implementing and authorized by the Illinois Council on Developmental Disabilities Law [20 ILCS 4010].
- 5) A Complete Description of the Subjects and Issues Involved: The Council is proposing new rules to explain the State plan activities, awards and other administrative requirements. The Council is proposing to repeal existing rules on these matters which are published in this volume and issue of the *Illinois Register*.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers: Proposed Action: Illinois Register Citation:

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED RULES

400.10	Repeal	32 Ill. Reg. 2604; February 22, 2008
400.20	Repeal	32 Ill. Reg. 2604; February 22, 2008
400.30	Repeal	32 Ill. Reg. 2604; February 22, 2008
400.40	Repeal	32 Ill. Reg. 2604; February 22, 2008
400.50	Repeal	32 Ill. Reg. 2604; February 22, 2008
400.60	Repeal	32 Ill. Reg. 2604; February 22, 2008
400.70	Repeal	32 Ill. Reg. 2604; February 22, 2008
400.80	Repeal	32 Ill. Reg. 2604; February 22, 2008
400.90	Repeal	32 Ill. Reg. 2604; February 22, 2008
400.100	Repeal	32 Ill. Reg. 2604; February 22, 2008
400.110	Repeal	32 Ill. Reg. 2604; February 22, 2008
400.120	Repeal	32 Ill. Reg. 2604; February 22, 2008

11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of this Notice to:

Kerry Flynn
Illinois Council on Developmental Disabilities
830 South Spring Street
Springfield, Il 62704

217/782-9696

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: All entities who receive grants from the Council, including not for profit organizations, may be affected by this rulemaking in the areas of financial reporting, recordkeeping and audits.

B) Reporting, bookkeeping or other procedures required for compliance: Grantees are required to maintain adequate financial reports and records.

C) Types of Professional skills necessary for compliance: None beyond those routinely expected for operation of businesses.

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- 14) Regulatory Agenda on which this rulemaking was summarized: July 2007

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

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NOTICE OF PROPOSED RULES

TITLE 59: MENTAL HEALTH

CHAPTER IV: ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

PART 400

STATE PLAN, AWARDS AND ADMINISTRATIVE REQUIREMENTS

Section	
400.10	Purpose
400.20	Definitions
400.30	State Plan Implementation
400.40	Purpose of Grants
400.50	Form of Application
400.60	Review and Selection Process
400.65	Appeals
400.70	Awards, Grant Agreements, Conditions and Disbursement of Grant Funds
400.80	Administrative and Reporting Requirements
400.90	Project Revisions and Extensions
400.100	Investment Completion
400.110	Suspension and Termination
400.120	General Provisions – Allowable Expenses

AUTHORITY: Implementing and authorized by the Illinois Council on Developmental Disabilities Law [20 ILCS 4010].

SOURCE: Adopted at 17 Ill. Reg. 11151, effective July 2, 1993; old Part repealed at 32 Ill. Reg. _____, and new Part adopted at 32 Ill. Reg. _____, effective _____.

Section 400.10 Purpose

The Illinois Council on Developmental Disabilities (Council) receives funds under the Basic State Grant Program through the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 USC 6000). Pursuant to that Act, the Council develops a State Plan that sets forth the advocacy, capacity building and systemic change activities related to the priorities in the Act that will be implemented by the Council. Priorities generally include, but are not limited to, education, housing, employment, transportation, child care, recreation, health, early intervention and other community supports that affect the quality of life of individuals with developmental disabilities. This Part explains the State Plan activities, grants and other administrative requirements.

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Section 400.20 Definitions

As used in this Part:

"Act" means the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 USC 6000) that is the federal enabling and funding statute for the Council.

"Council" means the Illinois Council on Developmental Disabilities.

"Developmental Disability" means a severe, chronic disability of an individual that:

is attributable to a mental or physical impairment or combination of mental and physical impairments;

is manifested before the person attains age 22;

is likely to continue indefinitely;

results in substantial functional limitations in 3 or more of the following areas of major life activity:

self care;

receptive and expressive language;

learning;

mobility;

self direction;

capacity for independent living; or

economic self sufficiency; and

reflects the person's need for a combination and sequence of special, interdisciplinary or generic services, individualized supports, or other

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forms of assistance that are of lifelong or extended duration and are individually planned and coordinated. Infants and young children birth to age 9, inclusive, who have a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the areas of major life activity if the individual without services and supports has a high probability of meeting those criteria later in life.

"Director" means the Director of the Illinois Council on Developmental Disabilities.

"Executive Committee" means the Executive Committee of the Council, which is comprised of 7 Council members, 3 of whom are elected annually by the membership at-large and 3 of whom are appointed by the chairperson of the Council. The chairperson of the Council is a member of the Executive Committee.

"Grant" means an investment made by the Council to implement the State Plan performance targets or goals through a variety of activities whose primary purpose is to advance the mission of the Council and the purposes of the Act.

Grants may be awarded through a competitive process as explained in this Part;

Grants may be awarded on a non-competitive basis when the project requires the specialized knowledge, capacity, and experience of a potential grantee, and the emerging nature of the project precludes the Council from going through a timely development, review and selection process due to the emerging nature of the project; and

Grants as awarded by the Council are not subject to the provisions or requirements of the Illinois Procurement Code (see 30 ILCS 500/1-10).

"Grant Agreement" means a prescribed form containing the provisions governing the grant award between the Council and the grantee. The grant agreement must contain signatures of the involved parties certifying agreement to the contract.

"Grantee" means the agency, individual or organization that is the recipient of Council grant funds to address performance targets or goals in the State Plan.

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"Performance Targets" means, for purposes of the Council's State Plan, the advocacy, systems change or capacity building activities the Council is committed to achieving at the conclusion of the time period for the State Plan.

"Priorities" means the areas of importance in the Act, including, but not limited to, quality assurance, education, early intervention, child care, health, employment, housing, transportation, recreation and other community supports that affect the quality of life of individuals with developmental disabilities.

"Project Period" means the length of time the project is funded by the Council.

"Proposal" means the application a prospective grantee submits to the Council for funding consideration.

"Proposer" means an applicant for Council grant fund opportunities.

"State Plan" means the plan required by the Act that is developed by the Council and approved by the United States Department of Health and Human Services (HHS), Administration on Developmental Disabilities.

Section 400.30 State Plan Implementation

The Council, through its members, staff, consultants, contractors, subcontractors and grantees, conducts or supports programs, projects and activities that carry out its overall responsibilities under the Act. The State Plan is developed by the Council and approved by the Council's federal funding authority, HHS-Administration on Developmental Disabilities. The Council implements the State Plan by conducting initiatives that support advocacy, capacity building and systemic change activities, including, but not limited to:

- a) Outreach activities to identify individuals with developmental disabilities and their families to assist them to obtain community services, individualized supports or other forms of assistance.
- b) Training for people with developmental disabilities, their families, personnel and volunteers on obtaining or providing community services, individualized supports or other forms of assistance.

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- c) Technical assistance to assist the private and public sectors in achieving and contributing to a consumer and family directed system of community services.
- d) Supporting and educating communities, businesses and organizations to respond positively to individuals with developmental disabilities and their families.
- e) Coordinating with other councils, committees and programs addressing similar issues to benefit people with developmental disabilities.
- f) Barrier elimination and system design and redesign to promote access and use of community services by people with developmental disabilities.
- g) Coalition development and citizen participation activities that educate the public about the capabilities, preferences and needs of people with developmental disabilities to enhance the policy agenda of the Council.
- h) Supporting and conducting studies, gathering information and developing model policies and other information, and making recommendations directly to federal and State policymakers, including members of Congress, the Illinois General Assembly and the Governor.
- i) Demonstrating new approaches to services and supports generally on a time limited basis to show new approaches to serving individuals with developmental disabilities as part of an overall strategy for systemic change.
- j) Other activities that may support the overall mission of the Council, as identified in the Act.

Section 400.40 Purpose of Grants

To implement the activities described in Section 400.30, the Council may award grants to qualifying agencies, individuals and organizations. All funding decisions are made by the Council or by the Executive Committee, as provided in this Part and the Council's bylaws. In general, the Council uses an outcome-based framework in developing the State Plan and funding opportunities and in the development, review, selection, implementation and monitoring of grants. The purpose of grants, how to apply for grants, information considered in the review and selection process, procedures used to make the awards, post-award monitoring, and other requirements are explained in this Part.

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Section 400.50 Form of Application

- a) When funds are available to the Council, the Council shall seek to award the funds consistent with the purposes of the Act, the State Plan, and this Part.
- b) The Council provides notice to the public of the availability of these funding opportunities (i.e., with the exception of non-competitive grants) through, but not limited to, the Council's mailing list, website and other State and local agency websites.
- c) The Council will prescribe the form and substance, establish the response date, and impose any funding limitations for proposals.
- d) All communications relating to the availability of grant funds, the application form, or the process defined in Section 400.60 shall be sent to the Investment Coordinator, Illinois Council on Developmental Disabilities, 830 South Spring Street, Springfield, Illinois 62704.

Section 400.60 Review and Selection Process

- a) Council staff shall initially review all proposals to identify any history of compliance issues with previous or current grant agreement terms, previous performance in programmatic or fiscal areas, and other indicators relevant to evaluating the applicant's ability to successfully complete the project.
- b) Proposals are reviewed, by teams comprised of Council members and staff and may include other experts in the field of developmental disabilities (e.g., experts who possess knowledge about the subject matter at hand that would be helpful for the team to reach a decision) who make recommendations for awards to the Council or the Executive Committee, as described in Section 400.40.
- c) Awards shall be made in accordance with the following criteria, which are equally weighted:
 - 1) The performance targets or goals are clear and demonstrate that the project will assist the Council in meeting its State Plan performance target;
 - 2) The proposal's implementation plan is clear and will lead to the achievement of the project's performance targets;

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- 3) The proposal sufficiently demonstrates that the applicant has the commitment, capacity and expertise sufficient to achieve the project's performance targets; and
 - 4) The cost or budget to achieve the project's performance targets appears reasonable in view of the proposed goals of the project.
- d) The Council reserves the following rights regarding the funding of grants.
- 1) Negotiate and adjust funding levels during the review process;
 - 2) Not fund any applications it receives (e.g., proposals do not adequately address all criteria in subsection (c), or the Council needs to further clarify and refine its performance target or goals in the funding opportunity); or
 - 3) Not fund any applications it receives because circumstances have changed (e.g., the purpose of the funding opportunity no longer addresses federal or State policy or a situation has evolved that makes an award inconsistent with the purposes of the Act, State law, or regulations).
- e) All proposers will be advised in writing of the Council's award decisions as soon as practicable, but not later than two weeks from the date of the Council's action on the team's recommendations.
- f) Any agencies, individuals or organization who failed to receive a grant award may appeal that decision.

Section 400.65 Appeals

Any agency, individual or organization who failed to receive a grant award may appeal that decision only on the grounds of fraud or conflict of interest. In cases of an agency, individual or organization who received notice of suspension or termination that was based on failure to comply with the terms and conditions of a grant, an agency, individual or organization may appeal that decision. Appeals cannot be made in cases where the Council has had a partial or total loss of federal funding or the General Assembly fails to appropriate or otherwise make available funds to the Council.

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- a) A written request for appeal that includes a clear, concise documentation of fraud or conflict of interest must be received by the chairperson of the Council within 30 calendar days after the denial or written notice;
- b) Within 90 days after receipt of the appeal, the Executive Committee shall convene a meeting and review the documentation submitted by the agency, individual, or organization. Any Executive Committee member who was involved during the development, review or selection process will recuse him or herself from participation in reviewing the appeal. Any Executive Committee member who is affiliated with the individual, agency, or organization requesting the appeal will recuse him or herself. The Executive Committee will decide:
 - 1) No fraud or conflict of interest occurred;
 - 2) Fraud or conflict of interest is evident and the original action should be overturned; or
 - 3) There is evidence that the action to suspend or terminate should be overturned.
- c) The decision of the Executive Committee is final. The Executive Committee will advise the agency, individual, or organization of their decision in writing within 10 calendar days after their decision. The Executive Committee will notify the full Council of the appeal and will report on their final decision.

Section 400.70 Awards, Grant Agreements, Conditions and Disbursement of Grant Funds

- a) When a grant has been awarded, the grantee and the Council shall execute an agreement. The agreement shall be executed between the grantee and the Council's Director, or the Director's designee, on behalf of the Council.
- b) Disbursement of grant funds. Notwithstanding selection for a grant award pursuant to this Part, disbursement of grant funds is contingent upon the submission of a fully executed grant agreement.
- c) The grant agreement will be drafted by the Council and shall contain appropriate substantive provisions, including, but not limited to, the following:
 - 1) A recitation of legal authority pursuant to which the agreement is made;

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- 2) An identification of the project scope and schedule, including a specified time period for the grantee's performance and the work or services to be performed or conducted by the grantee;
 - 3) An identification of the grant amount;
 - 4) A promise by the grantee not to assign or transfer any of the rights, duties or obligations of the grantee without the prior written consent of the Council;
 - 5) A promise by the grantee not to amend the agreement without the written consent of the Council; and
 - 6) A covenant that the grantee shall expend the grant amount and any accrued interest only for the purposes of the project as stated in the agreement and approved by the Council.
- d) A grantee may not start a project until the grant agreement has been fully executed by the grantee and the Council's Director or the Director's designee. No funds will be approved for payment for costs incurred before the full execution of the grant agreement. The fully executed grant agreement will be filed by the Council with the Office of the Illinois Comptroller within 30 days after the last signature.
 - e) Grantees shall comply with any conditions and requirements specified in the Act, this Part, the Council's award letter and the grant agreement.
 - f) Grantees shall submit regular fiscal and programmatic reports that document the grantee's performance under the grant agreement. The Council will provide grantees with guidelines and forms regarding the preparation of fiscal and programmatic reports for all awards.
 - g) Grantees shall make available to Council staff or their authorized agents all financial records and other reporting documentation relating to the grant award.

Section 400.80 Administrative and Reporting Requirements

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- a) Grant monitoring – The Council monitors the progress of grant-funded projects and expenditures through a variety of mechanisms, including, but not limited to, communications with grantees; periodic site visits by Council staff; payment requests; written reports; and final expenditure reports submitted by grantees. Grantees must permit any agent authorized by the Council, upon presentation of credentials, in accordance with constitutional limitations on administrative searches, to have full access to and the right to examine any documents, papers and records of the grantee relating to the Council's grant.
- b) Audits – All grantees that receive Council grant funds shall comply with the Council's requirements concerning audits as outlined in this subsection. The Council will provide grantees with guidelines regarding audit requirements for all awards. In general:
 - 1) All grantees are asked to submit a copy of routinely performed audits.
 - 2) The Council may arrange and pay for limited scope audits or financial reviews of grantees expending \$100,000 or less in Council funds.
 - 3) Any governmental or non-profit agency required to undergo a Single Audit pursuant to the Single Audit Act Amendments of 1996 may include the Council's portion of the audit in the proposed budget. For-profit grantees expending \$500,000 in funds solely from the Council are required to procure an audit of the project.
- c) Recordkeeping – The grantee shall maintain program and fiscal records related to each grant award for a period of 5 years following the end of the grant agreement. These records shall include a fiscal accounting for all funds in accordance with any generally accepted governmental accounting principles. However, if any claim, litigation, audit or other action has begun before the expiration date of the 5-year period, the records shall be retained until the completion of the action and resolution of all issues that arise from it.

Section 400.90 Project Revisions and Extensions

Budget revisions within the overall award amount, project revisions, and extensions of projects beyond the original time frame can be negotiated and must be approved by Council staff in advance of implementation of any revisions. Revisions to the grantee's performance targets must have Council approval before implementation.

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Section 400.100 Investment Completion

- a) Grantees must submit to the Council a final report that includes a description of the grantee's performance of the project and a detailed list of expenditures, including match funds, if applicable, in relation to the approved budget. Variances in budget lines must be explained in the report.
- b) Grantees shall submit copies of any audits they have had completed during the time period that Council funds were expended. Failure to submit audits may impact future Council consideration of proposals from the grantee.

Section 400.110 Suspension and Termination

- a) Suspension – If a grantee fails to comply with the terms and conditions of the grant award and agreement, the Council shall, after written notice to the grantee, suspend the grant and withhold further payments and prohibit the grantee from incurring additional obligations of grant funds, pending resolution of the issues or termination. The Council may require submission of a written plan of action to address the issues in dispute. Grantee payments will resume upon resolution of the issues in dispute.
- b) Termination – The grant may be terminated for the following reasons:
 - 1) If partial or total loss of federal funding occurs, or the Illinois General Assembly fails to appropriate or otherwise make available funds to the Council, the Council may make proportional or total cuts to all grants. In that event, the Council will give written notice to grantees setting forth the effective date of full or partial termination, or, if a change in funding is required, setting forth the change in funding and changes in the approved budget.
 - 2) If the Council determines that the grantee has failed to comply with the terms and conditions of the grant award and grant agreement, the Council may terminate the grant in whole, or in part, at any time upon written notice to the grantee. Circumstances that could result in termination of a grant include, but are not limited to: failure to submit required reports; failure to maintain required records; misuse of equipment purchased with grant funds; falsification or misrepresentation of information to the

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Council; and failure to resolve issues in dispute during suspension. Written notice of termination of the grant shall contain the reasons for termination and the effective date.

- 3) Recapture of grant funds. All grants awarded under this Part shall be governed by the Illinois Grant Funds Recovery Act [30 ILCS 705]. Funds awarded for projects must be used exclusively for the purposes stated in the approved proposal and expended in accordance with the approved budget and grant agreement. If the grantee fails to comply with the terms of the grant agreement, the Council reserves the right to require appropriate proportional repayment of funds up to the entire amount of the grant.

Section 400.120 General Provisions – Allowable Expenses

Expenses must meet the following criteria in order for payment from Council funds to be allowed:

- a) Be necessary and reasonable to carry out the performance targets, goals and intent of the approved grant;
- b) Be authorized under the approved budget and not prohibited by this Part or federal, State or local laws or regulations;
- c) Conform to any specifications set forth in the approved project or this Part and grant monitoring procedures;
- d) Not be used to supplant non-federal funds for already existing services; and
- e) Not exceed the total approved budget amount for Council funds.

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- 1) Heading of the Part: Corrective Orders
- 2) Code Citation: 50 Ill. Adm. Code 1250
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1250.15	New Section
1250.20	Amendment
1250.30	Amendment
1250.40	Amendment
1250.50	New Section
- 4) Statutory Authority: Implementing Section 186.1 and 186.2 of the Illinois Insurance Code [215 ILCS 5/186.1 and 186.2] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].
- 5) A Complete Description of the Subjects and Issues Involved: Section 186.1(6) of the Code states that all administrative and judicial proceedings arising under this Article shall be held privately unless a public hearing is requested by the company, and all records of the company, and all records of the Division concerning the company, so far as they pertain to or are a part of the record of the proceedings, shall be and remain confidential, unless the company requests otherwise. Such records shall not be subject to public disclosure under "The Illinois Freedom of Information Act", certified December 27, 1983, as amended, or otherwise, nor shall such records be subject to subpoena by third parties, unless the company and Director consent to such disclosure or release under subpoena.

The rulemaking was precipitated in response to the Appellate Court of the Fourth District's dicta in the Goodrich v. Clark, 361 Ill.App.3d 1033, 837 N.E.2d 953 (2005) FOIA matter that "section 35A-50 also did not intend to make the mere existence of RBC Plans or corrective orders confidential". The Division is amending Part 1250 so that it conforms with the Division's longstanding interpretation of this Section that even the mere existence of a corrective order is confidential and not subject to disclosure. Once amended, the rule codifies the Division's position that the existence of corrective orders against a company is confidential.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:
- | | | |
|--|----|--|
| James C. Rundblom, Staff Attorney
Department of Financial and
Professional Regulation
Division of Insurance
320 West Washington, 4 th Floor
Springfield, Illinois 62767-0001

217/785-8559 | or | Craig Cellini, Rules Coordinator
Department of Financial and
Professional Regulation
320 West Washington
3 rd Floor
Springfield, Illinois 62767-0001

217/785-0813 |
|--|----|--|
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This amendment will not affect small businesses, small municipalities and not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: No new requirements are being placed on the insurer.
- C) Types of professional skills necessary for compliance: Insurance
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Division only recently recognized the necessity for the rule.

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NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATION~~INSURANCE~~

SUBCHAPTER q: CORRECTIVE ORDERS

PART 1250

CORRECTIVE ORDERS

Section

1250.10	Purpose
<u>1250.15</u>	<u>Definitions</u>
1250.20	Criteria
1250.30	Director's Authority
1250.40	Judicial Review
<u>1250.50</u>	<u>Nondisclosure</u>

AUTHORITY: Implementing Section 186.1 and 186.2 of the Illinois Insurance Code [215 ILCS 5/186.1 and 186.2] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Adopted at 18 Ill. Reg. 2231, effective February 1, 1994; amended at 32 Ill. Reg. _____, effective _____.

Section 1250.15 Definitions

Code means the Illinois Insurance Code [215 ILCS 5].

Department means the Department of Financial and Professional Regulation.

Director means the Director of the Department of Financial and Professional Regulation-Division of Insurance.

Division means the Illinois Department of Financial and Professional Regulation-Division of Insurance.

Secretary means the Secretary of the Department of Financial and Professional Regulation.

(Source: Added at 32 Ill. Reg. _____, effective _____)

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Section 1250.20 Criteria

To determine whether the continued operation of any insurer transacting insurance business in this State might be deemed to be hazardous to the policyholders, certificateholders, creditors or to the public, the Director may consider:

- a) adverse findings reported in financial and market conduct examination reports;
- b) the National Association of Insurance Commissioners Insurance Regulatory Information System and its related reports, the ratios of commission expense, general insurance expense, policy benefits and/or losses incurred to written premium or any other ratios used by the ~~Division~~ [Department of Insurance](#) to determine an insurer's financial condition;
- c) whether the value, liquidity, and diversity of the insurer's asset portfolio when viewed in light of current economic conditions assures the company's ability to meet its outstanding obligations as they mature;
- d) whether the insurer's reinsurance program provides adequate protection for the company's remaining surplus after taking into account the insurer's cash flow and the classes of business written;
- e) the financial condition of any assuming reinsurer and its ability to meet its obligations to the insurer;
- f) the insurer's operating loss in the last twelve month period or any shorter period of time, including but not limited to net capital gain or loss, change in non-admitted assets, and dividends paid to shareholders;
- g) whether any affiliate, subsidiary or parent of the insurer is insolvent, threatened with insolvency, or delinquent in the payment of its obligations;
- h) whether contingent liabilities, pledges or guaranties of the insurer, either individually or collectively, involve an amount that will affect the solvency of the insurer;
- i) whether any "controlling person" or other affiliate of the insurer, each as defined in Article VIII½ of the ~~Illinois Insurance~~ Code, is delinquent in the transmitting or

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payment of net premiums or any other payables to such insurer;

- j) the age and collectibility of its receivables;
- k) whether the management of an insurer, including officers, directors, or any other person who directly or indirectly controls the operation of such insurer, fails to possess and demonstrate the competence, fitness and reputation to serve the insurer in such position;
- l) whether management of an insurer has failed to respond to inquiries from the ~~Division~~Department of Insurance concerning the condition of the insurer or has furnished false and misleading information concerning an inquiry;
- m) whether management of an insurer either has filed in any state a false or misleading sworn financial statement, has released a false or misleading financial statement to lending institutions or to the general public or, in the books of the insurer, has made a false or misleading entry, or omitted an entry of material amount;
- n) whether the insurer's premium volume has increased to the extent that it lacks financial and administrative capacity to meet its contractual or statutory obligations;
- o) whether the company has experienced cash flow and/or liquidity problems;
- p) the adequacy of the insurer's surplus as regards policyholders relative to its outstanding liabilities and its financial needs;
- q) any other relevant factors.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1250.30 Director's Authority

- a) For purposes of making a determination of an insurer's financial condition under this Part, the Director may:
 - 1) Disregard any credit or amount receivable resulting from transactions with a reinsurer that is insolvent, impaired or otherwise subject to a

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- delinquency proceeding or which is a slow payor based on Schedule F or S of the Annual Financial Statements filed with the ~~Division~~Department of Insurance by any Illinois licensed company having receivables due from that reinsurer;
- 2) Make adjustments to asset values attributable to investments in or transactions with parents, subsidiaries, or affiliates;
 - 3) Refuse to recognize the stated value of accounts receivable if the ability to collect the receivables is speculative in view of the age of the account or the financial condition of the debtor;
 - 4) Increase the insurer's liabilities to cover any contingent liability, pledge, or guarantee not otherwise included;
 - 5) Increase the company's reserves ~~for losses, loss adjustment expenses, or unearned premium~~ or any other liability to reflect adjustments recommended by the ~~Division's~~Department's financial examiners or actuaries or by the person preparing the statement of actuarial opinion as required by ~~Sections~~Section 136, 223(1a), 378 and 396 of the ~~Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 748)~~ [215 ILCS 5/136, 223(1a), 378 and 396] and the NAIC Annual Statement Instructions ~~for Property and Casualty Insurers~~;
 - 6) Make any other appropriate adjustment to the company's assets and liabilities necessary to reflect the insurer's financial condition.
- b) If the Director determines that the continued operation of the insurer licensed to transact business in this State may be hazardous to its policyholders, certificateholders, creditors or to the public, the Director may issue an order requiring the insurer to:
- 1) reduce, by reinsurance, the total amount of its present and/or potential liability for policy benefits and loss claims;
 - 2) reduce, suspend or limit the volume of direct and/or assumed business being accepted or renewed;
 - 3) reduce general insurance and commission expenses by specified methods;

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- 4) increase its capital and surplus;
 - 5) suspend or limit the declaration and payment of dividends to its stockholders or to its policyholders;
 - 6) file a written report indicating the market value of its assets;
 - 7) limit or withdraw from certain investments or discontinue certain investment practices to the extent the Director deems necessary;
 - 8) document the adequacy of premium rates in relation to the risks insured;
 - 9) file monthly financial reports;
 - 10) suspend or limit the repurchases of any of its own outstanding shares (i.e., treasury shares);
 - 11) seek prior approval of the Director before entering into any affiliated transactions;
 - 12) provide a statement of actuarial opinion prepared by an independent actuary other than that person having prepared the opinion filed by the company in conjunction with its most recent annual financial statements;
 - 13) disapprove the payment of any ordinary dividend or other distribution to shareholders;
 - 14) take any other action which the Director deems to be remedial.
- c) Any insurer subject to an order under subsection (b) above may file a written request for an administrative hearing. The administrative hearing shall be conducted pursuant to the requirements of Section 186.1 of the ~~Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 798.1(5)(a) and (6))~~ [215 ILCS 5/186.1(5)(a) and (6)].

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1250.40 Judicial Review

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Any order or decision of the Director shall be subject to review in accordance with Section 3-101 of the Code of Civil Procedure (~~Ill. Rev. Stat. 1991, ch. 110, par. 3-101~~) [735 ILCS 5/3-101].

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1250.50 Nondisclosure

All administrative and judicial proceedings described in this Part shall be held confidential unless a public hearing is requested by the insurer, and all records of the insurer, and all records, including orders of the Division concerning the insurer, so far as they pertain to or are a part of the record of the proceedings, shall be and remain confidential, unless the insurer requests otherwise. Such records and their existence shall not be subject to public disclosure under the Illinois Freedom of Information Act [5 ILCS 140], or otherwise, nor shall such records, nor the existence of such records, be subject to subpoena by third parties, unless the insurer and Director consent to such disclosure or release under subpoena.

(Source: Added at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
113.253	Amendment
113.260	Amendment
- 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].
- 5) A Complete Description of the Subjects and Issues Involved: A grant adjustment is an allowance for the Aged, Blind or Disabled cases that ensures that the amount of the Supplemental Security Income (SSI) increase from July 1977 and later will be available to clients. To comply with federal regulations at 20 CFR 416.2096, this rulemaking increases the grant adjustment and sheltered care/personal or nursing care rate amounts by the amount of the increase in Social Security and SSI benefits. In order to maintain the benefit levels, these changes increase the AABD Grant Adjustment Allowance and Sheltered Care/Personal or Nursing Care rates by \$14.00, the amount of the January 2008 SSA/SSI benefit increase.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

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

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section

- 113.1 Description of the Assistance Program
- 113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.9 Client Cooperation
- 113.10 Citizenship
- 113.20 Residence
- 113.30 Age
- 113.40 Blind
- 113.50 Disabled
- 113.60 Living Arrangement
- 113.70 Institutional Status
- 113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.100 Unearned Income
- 113.101 Budgeting Unearned Income
- 113.102 Budgeting Unearned Income of Applicants Receiving Income on Date of Application And/Or Date of Decision
- 113.103 Initial Receipt of Unearned Income
- 113.104 Termination of Unearned Income
- 113.105 Unearned Income In-Kind
- 113.106 Earmarked Income
- 113.107 Lump Sum Payments and Income Tax Refunds
- 113.108 Protected Income (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 113.109 Earned Income (Repealed)
- 113.110 Budgeting Earned Income (Repealed)
- 113.111 Protected Income
- 113.112 Earned Income
- 113.113 Exempt Unearned Income
- 113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
- 113.115 Initial Employment
- 113.116 Budgeting Earned Income For Contractual Employees
- 113.117 Budgeting Earned Income For Non-contractual School Employees
- 113.118 Termination of Employment
- 113.120 Exempt Earned Income
- 113.125 Recognized Employment Expenses
- 113.130 Income From Work/Study/Training Programs
- 113.131 Earned Income From Self-Employment
- 113.132 Earned Income From Roomer and Boarder
- 113.133 Earned Income From Rental Property
- 113.134 Earned Income In-Kind
- 113.139 Payments from the Illinois Department of Children and Family Services
- 113.140 Assets
- 113.141 Exempt Assets
- 113.142 Asset Disregard
- 113.143 Deferral of Consideration of Assets
- 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
- 113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)
- 113.156 Court Ordered Child Support Payments of Parent/Step-Parent
- 113.157 Responsibility of Sponsors of Non-citizens Entering the Country Prior to 8/22/96
- 113.158 Responsibility of Sponsors of Non-citizens Entering the Country On or After 08/22/96
- 113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

- Section
- 113.245 Payment Levels for AABD
- 113.246 Personal Allowance
- 113.247 Personal Allowance Amounts
- 113.248 Shelter

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

113.249	Utilities and Heating Fuel
113.250	Laundry
113.251	Telephone
113.252	Transportation, Lunches, Special Fees
113.253	Allowances for Increase in SSI Benefits
113.254	Nursing Care or Personal Care in Home Not Subject to Licensing
113.255	Sheltered Care/Personal or Nursing Care in a Licensed Group Care Facility
113.256	Shopping Allowance
113.257	Special Allowances for Blind and Partially Sighted (Blind Only)
113.258	Home Delivered Meals
113.259	AABD Fuel and Utility Allowances By Area
113.260	Sheltered Care, Personal Care or Nursing Care Rates
113.261	Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities
113.262	Meeting the Needs of an Ineligible Dependent with Client's Income
113.263	Service Animals
113.264	Refugees Ineligible for SSI

SUBPART E: OTHER PROVISIONS

Section	
113.300	Persons Who May Be Included In the Assistance Unit
113.301	Grandfathered Cases
113.302	Interim Assistance (Repealed)
113.303	Special Needs Authorizations
113.304	Retrospective Budgeting
113.305	Budgeting Schedule
113.306	Purchase and Repair of Household Furniture (Repealed)
113.307	Property Repairs and Maintenance
113.308	Excess Shelter Allowance
113.309	Limitation on Amount of AABD Assistance to Recipients from Other States (Repealed)
113.320	Redetermination of Eligibility
113.330	Attorney's Fees for VA Appellants (Repealed)

SUBPART F: INTERIM ASSISTANCE

Section	
113.400	Description of the Interim Assistance Program

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 113.405 Pending SSI Application (Repealed)
- 113.410 More Likely Than Not Eligible for SSI (Repealed)
- 113.415 Non-Financial Factors of Eligibility (Repealed)
- 113.420 Financial Factors of Eligibility (Repealed)
- 113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)
- 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
- 113.435 Medical Eligibility (Repealed)
- 113.440 Attorney's Fees for SSI Applicants (Repealed)
- 113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)
- 113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
- 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective

DEPARTMENT OF HUMAN SERVICES

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October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867,

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effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995;

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emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of a 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. 13852, effective November 19, 1999; amended at 24 Ill. Reg. 2328, effective February 1, 2000; amended at 24 Ill. Reg. 11622, effective July 18, 2000; amended at 24 Ill. Reg. 13394, effective August 18, 2000; amended at 25 Ill. Reg. 5326, effective March 30, 2001; amended at 26 Ill. Reg. 179, effective January 1, 2002; amended at 26 Ill. Reg. 8532, effective May 31, 2002; amended at 26 Ill. Reg. 13521, effective September 3, 2002; amended at 27 Ill. Reg. 7252, effective April 7, 2003; amended at 28 Ill. Reg. 11139, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 11366, effective July 21, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12469, effective August 20, 2004, for a maximum of 150 days; emergency expired January 16, 2005; amended at 29 Ill. Reg. 648, effective December 16, 2004; amended at 29 Ill. Reg. 5703, effective April 11, 2005; amended at 29 Ill. Reg. 10176, effective July 5, 2005; amended at 30 Ill. Reg. 16065, effective September 21, 2006; amended at 31 Ill. Reg. 6981, effective April 30, 2007; amended at 31 Ill. Reg. 11306, effective July 19, 2007; amended at 32 Ill. Reg. _____, effective _____.

SUBPART D: PAYMENT AMOUNTS

Section 113.253 Allowances for Increase in SSI Benefits

- a) An allowance for ~~\$458.90~~444.90 is authorized for all AABD cases as a "grant adjustment". A grant adjustment is an allowance that ensures that the amount of the SSI increase from July 1977 and later will be available to clients.
- b) EXCEPTIONS: For clients whose assistance payments include an allowance for Sheltered Care or Care Not Subject to Licensing a "grant adjustment" of \$10 is authorized. Individuals residing in long term group care facilities do not receive any "grant adjustment".

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 113.260 Sheltered Care, Personal Care or Nursing Care Rates

Group A Counties	Needs Assessment	Group B Counties
1304 1020	0-7	1047 1033
1039 1025	8	1054 1040
1045 1031	9	1060 1046
1050 1036	10	1067 1053
1056 1042	11	1074 1060
1061 1047	12	1080 1066
1067 1053	13	1087 1073
1072 1058	14	1093 1079
1078 1064	15	1100 1086
1083 1069	16	1107 1093
1089 1075	17	1113 1099
1094 1080	18	1120 1106
1100 1086	19	1126 1112
1105 1091	20	1133 1119
1111 1097	21	1140 1126
1116 1102	22	1146 1132

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1122 1108	23	1153 1139	
1127 1113	24	1159 1145	

- a) Group A Counties are counties other than Cook, DuPage, Kane, Lake and Will.
- b) Group B Counties are Cook, DuPage, Kane, Lake and Will.
- c) Rate includes shelter factor and approved activity and social rehabilitation programs.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Camping on Department of Natural Resources Properties
- 2) Code Citation: 17 Ill. Adm. Code 130
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
130.20	Amendment
130.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 805-305 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-305 and 805-515].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: add language to clarify that campground amenities are for the sole purpose of registered camping parties except that dump stations may be used by non-campers for a \$5 fee; increase the utility fees at campsites from \$5 to \$10 (this fee increase is necessary because electric, water and sewage rates have increased markedly Statewide due to increases in gas, diesel and oil); increase camping fees at Class AA, Class A and Class A Premium Sites by \$10 per night during the Memorial Day, Labor Day and 4th of July Holidays; and clarify language pertaining to camping exemptions for campground hosts.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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

217/782-1809

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

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER a: LANDS

PART 130

CAMPING ON DEPARTMENT OF NATURAL RESOURCES PROPERTIES

Section	
130.10	Location
130.20	Purpose of Campground
130.30	Classification of Camps by Equipment Used – Definitions
130.40	Definitions
130.50	Registrations
130.60	Permits, Extensions and Time Limits
130.70	Fees and Charges
130.80	Refunds
130.90	Check-in and Check-out Times
130.100	Unoccupied Camps
130.110	Vehicles per Camp (Refer to 17 Ill. Adm. Code 130.30)
130.120	Youth Group (Boy Scouts, Girl Scouts, Explorers, church groups, or others)
130.130	Organization Group Camps (charter organizations, ROTC, private clubs or others)
130.135	Campground Host Program
130.140	Use of Campground
130.150	Violation of Rule

AUTHORITY: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 805-305 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-305 and 805-515].

SOURCE: Adopted at 4 Ill. Reg. 7, p. 110, effective February 4, 1980; emergency amendment at 5 Ill. Reg. 5707, effective June 1, 1981 for a maximum of 150 days; codified at 5 Ill. Reg. 10623; amended at 5 Ill. Reg. 14568, effective December 9, 1981; amended at 6 Ill. Reg. 3840, effective March 31, 1982; amended at 6 Ill. Reg. 9626, effective July 21, 1982; amended at 6 Ill. Reg. 14835, effective November 24, 1982; amended at 7 Ill. Reg. 5870, effective April 22, 1983; amended at 8 Ill. Reg. 5647, effective April 16, 1984; amended at 9 Ill. Reg. 6173, effective April 23, 1985; amended at 9 Ill. Reg. 11594, effective July 16, 1985; amended at 10 Ill. Reg. 9777, effective May 21, 1986; amended at 10 Ill. Reg. 13244, effective July 28, 1986; amended at 11 Ill. Reg. 9506, effective May 15, 1987; amended at 14 Ill. Reg. 12402, effective July 20, 1990; emergency amendment at 16 Ill. Reg. 7925, effective May 11, 1992, for a maximum of

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150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15982, effective October 2, 1992; amended at 18 Ill. Reg. 1126, effective January 18, 1994; amended at 19 Ill. Reg. 6462, effective April 28, 1995; amended at 20 Ill. Reg. 6683, effective May 6, 1996; amended at 21 Ill. Reg. 9034, effective June 26, 1997; amended at 22 Ill. Reg. 3076, effective January 23, 1998; amended at 22 Ill. Reg. 11781, effective June 24, 1998; amended at 23 Ill. Reg. 8376, effective July 7, 1999; amended at 24 Ill. Reg. 1634, effective January 13, 2000; amended at 24 Ill. Reg. 13699, effective August 23, 2000; amended at 27 Ill. Reg. 12630, effective July 21, 2003; amended at 28 Ill. Reg. 6118, effective April 15, 2004; amended at 29 Ill. Reg. 20445, effective December 2, 2005; amended at 32 Ill. Reg. 181, effective December 19, 2007; amended at 32 Ill. Reg. _____, effective _____.

Section 130.20 Purpose of Campground

- a)** Campgrounds on lands managed by the Department of Natural Resources are established for the convenience and enjoyment of outdoor recreation by the visiting public. Illinois Department of Natural Resources' campgrounds are not places for permanent or semi-permanent residences, bases for operations or a business, or facilities for non-camper residences. All campground amenities are for the sole purpose of registered camping parties (i.e., showers, dump stations, dumpsters, etc.).
- b)** All campground amenities are for the sole purpose of registered camping parties (i.e., showers, dump stations, dumpsters, etc.), except dump stations may be used by non-campers for dumping of wastewater from recreational vehicles and camping trailers, provided the required dumping fee listed in Section 130.70 is paid.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 130.70 Fees and Charges

- a) The full amount of the camping fee and, if applicable, the utility fee shall be collected at the time the permit is issued. If checks are taken, they shall be made payable to the Illinois Department of Natural Resources and the site identified. Camping fees vary according to the type of campground and are as follows:
- 1) Spring-Summer Camping (rates apply May 1 through September 30, except at the World Shooting Complex during sanctioned shooting events when camping is reserved for event participants via a licensing agreement

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between the event sponsor and the Department)

- A) Class AA Sites: Camping fee of \$15 per night per site, ~~\$105~~ utility fee. Sites having availability to showers, electricity, water hookups, sewer hookups, and vehicular access. The camping fee shall be \$25 per night for the Memorial Day and Labor Day holiday weekends (Friday, Saturday, Sunday and Monday) and on the nights of July 2, July 3 and July 4.
- B) Class A Sites: Camping fee of \$10 per night per site, ~~\$105~~ utility fee. Sites having availability to showers, electricity and vehicular access. The camping fee shall be \$20 per night for the Memorial Day and Labor Day holiday weekends (Friday, Saturday, Sunday and Monday) and on the nights of July 2, July 3 and July 4.
- C) Class A Premium Sites: Camping fee of \$15 per night per site, ~~\$105~~ utility fee. Sites having availability to showers, electricity and vehicular access. The camping fee shall be \$25 per night on the Memorial Day and Labor Day holiday weekends (Friday, Saturday, Sunday and Monday) and on the nights of July 2, July 3 and July 4.
- D) Class B-E Sites: Camping fee of \$8 per night per site, ~~\$105~~ utility fee. Sites having availability to electricity and vehicular access.
- E) Class B-E Premium Sites: Camping fee of \$10 per night per site, ~~\$105~~ utility fee. Sites having availability to electricity and vehicular access.
- F) Class B-S Sites: Camping fee of \$10 per night per site. Sites having availability to showers and vehicular access.
- G) Class B-S Premium Sites: Camping fee of \$12 per night per site. Sites having availability to showers and vehicular access.
- H) Class C Sites: Camping fee of \$8 per night per site. Sites having vehicular access or tent camp/primitive sites (walk-in or backpack) having availability to showers.

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- I) Class D Sites: Camping fee of \$6 per night per site. Tent camping or primitive sites with no vehicular access.
- J) Youth Group Camping: \$2 per person, minimum daily camping fee of \$20.
- K) Adult Group Camping: \$4 per person, minimum daily camping fee of \$40.
- L) Each member of an organized group utilizing facilities furnished at Dixon Springs State Park, Horseshoe Lake State Fish and Wildlife Area (Alexander County) and Pere Marquette State Park shall pay a fee of \$4 per night. At Dixon Springs and Horseshoe Lake State Fish and Wildlife Area (Alexander County), a deposit of \$40 will be required before confirmation of a reservation. The deposits will be credited to the total camping fee. At Pere Marquette, a deposit of \$100 will be required before confirmation of a reservation. The deposits will be credited to the total camping fee. At Pere Marquette, deposit balances will not be refunded until inspection is made of the facilities after the group departs. If damages warrant, Pere Marquette will have authority to retain this deposit. Fees for day use of the group camps at Dixon Springs, Horseshoe Lake State Fish and Wildlife Area (Alexander County) and Pere Marquette shall be \$50 per day.
- M) Rent-A-Camp Tents
Tents will be made available at designated State parks and recreational areas throughout the Department's statewide system. Rent-A-Camp Tent areas will provide, at additional fees of \$8 and \$12 per night, one large tent (approximately 10' x 13') or one extra large tent (approximately 14' x 14'), respectively (erected), with wood floor, one charcoal grill, one picnic table, one trash barrel, and either 4 sleeping cots per large tent or 8 sleeping cots per extra large tent. The total overnight fee for a Rent-A-Camp Tent will be based on the basic fees of \$8 or \$12 per night in addition to the class of camping rate on which the Rent-A-Camp site is located.
- N) Rent-A-Camp Cabin areas will provide, at a basic cabin rental fee of \$25 per night, one 2-bedroom cabin with 2 bunk beds, one full-

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sized bed, ceiling fans, electric heaters, table with chairs, one charcoal grill, one picnic table, and one trash barrel. The total overnight fee for a Rent-A-Camp Cabin will be based on the basic fee plus Class specific utility and camping fees, as follows:

- i) Rent-A-Camp Cabins at Class A Sites:
\$25 cabin rental plus ~~\$10~~ utility fee and \$10 camping fee per night, per site at all sites having availability to showers and vehicular access.
 - ii) Rent-A-Camp Cabins at Class A Premium Sites:
\$25 cabin rental plus ~~\$10~~ utility fee and \$15 camping fee per night, per site at all sites having availability to showers and vehicular access.
 - iii) Individual Rent-A-Cabins at Dixon Springs State Park:
rented individually – not by organized groups pursuant to subsection (a)(1)(L); \$30 cabin rental fee per unit.
- O) A \$5 per campsite non-refundable fee must be remitted at those facilities offering reservation services. This fee applies to reservations for group campsites as well as individual site reservations and individual Rent-A-Camp Cabin and individual Rent-A-Camp Tent reservations. In addition to the \$5 non-refundable fee, the first night's camping and utility fee is required at the time reservations are made.
- P) ~~Dumping of wastewater from recreational vehicles and camping trailers by persons who are not registered campers will cost \$5 per vehicle.~~
- 2) Fall-Winter Camping (rates apply October 1 through April 30, except at the World Shooting Complex during sanctioned shooting events when camping is reserved for event participants via a licensing agreement between the event sponsor and the Department)
- A) As long as buildings, water and electrical service are available, regardless of the date, the regular camping fee will apply.

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- B) When cold weather requires closing down buildings and shutting off water in any Class A or B campgrounds, the fee shall be reduced commensurate with the services and facilities available for use.
- C) The fee for primitive campsites shall be \$6 per site. When a change in facilities is made and a campsite is reclassified, the fee for a site will change automatically.
- b) Exceptions: Employees, Concessionaires, and Special Legislation
- 1) Persons ~~Except for temporary employees of the Department of Natural Resources who qualify and are placed in the campground host program at approved camping sites, employees of the Department of Natural Resources or any other State agency, regardless of their official status,~~ will not be required to pay the established camping fee.
 - 2) The concessionaire, manager, or a responsible employee designated by the concessionaire will not be charged the regular camping fee. Rent will be paid at the rate established by the Department or pursuant to the concession lease.
 - 3) An Illinois resident age 62 or older, or a person who has a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] or a disabled veteran, or a former prisoner of war as defined in Section 5 of the Department of Veterans Affairs Act [20 ILCS 2805/5], is entitled to the following camping fee provisions, upon qualifying, which will allow the spouse or minor (under 18) children, or minor grandchildren to be included in the camping party. All other members must be registered and pay the regular camping fee for the facilities provided.
 - A) Illinois residents age 62 or older will be charged one-half the established camping fee on any Monday, Tuesday, Wednesday, or Thursday, at Class AA, A Premium, A, B-E Premium, B-E, B-S Premium, and B-S sites but must pay the entire established camping fee on all sites on any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. Verification of age may be made by any document

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required by law to establish proof of age and date of birth and issued by a federal or state governmental agency. No fee on Class C and D sites Monday through Thursday.

- B) Illinois residents who have a Class 2 disability and present a current Illinois Disabled Person Identification Card issued by the Secretary of State will be charged one-half the established camping fee for Class AA, A Premium, A, B-E Premium, B-E, B-S Premium and B-S sites on any Monday, Tuesday, Wednesday or Thursday, but must pay the entire established camping fee for any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. No fee on Class C and D sites. Parents or legal guardians, aged 18 or over, of minors who have a current Class 2 Illinois Disabled Person Identification Card may register the campsite at the reduced rate specified in this subsection (b)(3)(B) for disabled persons, provided the disabled minor is present and camping at the same site as the parent or legal guardian.
- C) An Illinois resident who is a disabled veteran or former prisoner of war may camp without being charged a camping fee, but if at a site with utilities, must pay the entire utility fee for each day of camping. An individual wishing to qualify for free camping under the provisions stated above must be able to submit the appropriate document issued by the Illinois Department of Veterans' Affairs (see 20 ILCS 2805/5).
- c) World Shooting and Recreational Complex (WSRC)
The Department may establish the fees for use of all or parts of the campground at the WSRC through the negotiation of contracts for events to be held at the WSRC. The Department shall consider the numbers of camping spaces reserved and the services provided at each campsite when establishing fees by contract. All other fees set forth in this Section shall apply to public camping at the WSRC.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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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>Proposed Action</u> :
650.10	Amendment
650.20	Amendment
650.21	Amendment
650.22	Amendment
650.30	Amendment
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) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: extend the close of hunting hours to one-half hour after sunset, raise the fee for non-resident deer hunters to \$300 for an either-sex or antlered only deer hunting permit, raise the fee for nonresident Illinois landowners (owning 40 acres or more land) for permits for their property only to \$150 for an either-sex permit, raise the fee for non-resident shareholders/members/beneficiaries to \$150, update special hunt regulations at Burning Star 5, add the use of Connecticut Valley Arms ignition to the list of legal ignitions, update open sites and site-specific regulations at Department-owned or -managed sites, and update regulations at sites conducting special hunts for disabled hunters.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

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

217/782-1809

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

The full text of the Proposed 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 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.

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Reg. 13431, effective August 23, 1994; amended at 19 Ill. Reg. 6477, effective April 28, 1995; 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. 9718, effective June 24, 2005; emergency amendment at 29 Ill. Reg. 13025, effective August 10, 2005, for a maximum of 150 days; emergency expired January 1, 2006; amended at 30 Ill. Reg. 12155, effective June 28, 2006; amended at 31 Ill. Reg. 8169, effective May 25, 2007; amended at 32 Ill. Reg. _____, effective _____.

Section 650.10 Statewide Season and Permit Quotas

- a) Season: 12:01 a.m. on Friday of the 3-day (Friday, Saturday and Sunday) weekend immediately before Thanksgiving to 6:00 p.m. on Sunday of the 3-day weekend before Thanksgiving, and 12:01 a.m. on Thursday of the first 4-day (Thursday, Friday, Saturday and Sunday) weekend following Thanksgiving to 6:00 p.m. on Sunday of the first 4-day weekend following Thanksgiving. Full season permits shall be for all days. Second season permits shall be valid for the last four days of the season only. Hunting hours are one-half hour before sunrise to one-half hour after sunset.
- b) Permit quotas shall be set by the Department of Natural Resources (Department) on a county or special hunt area basis. Cook, DuPage and Lake Counties (except for Chain O'Lakes State Park) and that portion of Kane County east of State Route 47, are closed to firearm deer hunting.
- c) Hunting prior to ½ hour before sunrise or after ½ hour after sunset 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(y)). Hunting during the closed season ~~or between sunset and ½ hour after sunset~~ is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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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 \$~~300~~²⁵⁰ for each either-sex or antlered-only deer hunting permit, and shall be \$15 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. 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. 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. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident deer permit.
- 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-

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season permit upon being rejected for a full-season permit.

- e) Applicants must check the antlerless-only box and provide 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.
- 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 providing an additional \$15. 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) 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. 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 mark the "September Drawing – Multiple Permits" box on the firearm deer permit application.
- h) 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

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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.
 - 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.
- i) Applications may be accepted at the counter window of the permit office; however, permits will be mailed. In-person, mail-in and electronic applications will receive equal treatment in the drawings.
 - j) 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.
 - k) 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.
 - l) 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.
 - m) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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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 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 \$~~150~~¹⁰⁰ for the either-sex permit and \$15 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

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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 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.

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- 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, 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 may apply for one either-sex permit to hunt the corporation, 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, limited liability companies, trusts or partnerships. Lands leased to corporations, 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, 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, limited liability company, trust or partnership, a duly authorized officer of the corporation, limited liability company, trust or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, company, trust or partnership lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder, 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, 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

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shareholders/members/partners, and the cost to nonresident shareholders/members shall be \$~~150~~¹⁰⁰. An antlerless-only shareholder/member/partner permit (free to resident shareholders/members/partners; \$15 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 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:

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

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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 the following sites, 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.

Burning Star 5 (only antlerless deer or antlered deer having at least 4 points on one side may be harvested; the first and second season are considered separate hunt choices, and permit applications must specify which season they are applying for in the county choice or hunt area field of the application; tree stands

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and blinds used for deer hunting must be removed from the area at the end of each day's hunt; deer hunters may begin scouting the Saturday prior to the first firearm deer hunting season)

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)

Crab Orchard National Wildlife Refuge – Disabled Hunt (first season only)

Joliet Army Training Area (Will County)

Lake Shelbyville Project Lands (Moultrie County) (it is unlawful to drive deer)

Lake Shelbyville Project Lands except Wolf Creek State Park (Shelby County) (it is unlawful to drive deer)

Lost Mound Unit – Upper Mississippi River National Wildlife and Fish Refuge (first season only; permit drawing will be conducted by USFWS; preference given to disabled hunters; bonus permits will be issued at site; antlerless deer only except that either-sex bonus permits may be sold to hunters who previously harvested an antlerless deer on site that season)

Midewin National Tallgrass Prairie (no handguns allowed; additional site pass is required; check-in, check-out and reporting of harvest is required)

- b) 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 32 Ill. Reg. _____, effective _____)

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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 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 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.

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- 3) Only percussion~~Percussion~~ caps, wheellock, matchlock or flint type ignition ~~only~~ may be used, except the Connecticut Valley Arms (CVA) electronic ignition shall be legal to use.
 - 4) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel unwound or removal of prime powder and match with match not lit, or removal of the battery from the CVA electronic ignition muzzleloader, shall constitute an unloaded muzzleloading firearm.
- d) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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 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).

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- 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)
 - Cape Bend Fish and Wildlife Area (1) (2)
 - Carlyle Lake Lands and Waters (Corps of Engineers managed lands)
 - Carlyle Lake Wildlife Management Area (except subimpoundment area)
 - Chauncey Marsh (1) (2)
 - Collier Limestone Glade State Natural Area (1)
 - [Copperhead Hollow State Wildlife Area \(2\)](#)
 - Crawford County Conservation Area (1) (2)
 - Cretaceous Hills State Natural Area (1)
 - 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
 - Dog Island Wildlife Management Area (1) (2)
 - Ferne Clyffe State Park - Cedar/Draper Bluff Hunting Area (1) (2)
 - Fort de Chartres State Historic Site (muzzleloading rifles only; no in-line

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muzzleloading rifles or muzzleloaders with scopes allowed) (1) (2)

George S. Park Memorial Woods State Natural Area (2)

Giant City State Park (1) (2)

Hamilton County Conservation Area (1) (2)

Horseshoe Lake Fish and Wildlife Area – Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting 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)

Lusk Creek Canyon State Natural Area (1)

Meeker State Habitat Area (1) (2)

Mermet Lake Conservation Area (1) (2)

Miller-Anderson Woods State Natural Area (Bureau County permit holders may hunt the Bureau County portion of the Area and Putnam County permit holders may hunt the Putnam County portion of the Area) (2)

Mississippi Fish and Waterfowl Management Area – Pools 25 and 26 (Batchtown, Crull Hollow and Godar Waterfowl Rest Areas are closed to hunting beginning 14 days before the regular duck season; areas reopen to hunting the day after duck season closes; it is unlawful to trespass upon the designated duck hunting areas 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; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck

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season only, deer hunters may not access the designated duck hunting areas by launching a boat at certain specifically posted boat ramps; boat ramps reopen to deer hunters 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)

Newton Lake Fish and Wildlife Area (2)

Oakford Conservation Area (1)

Pere Marquette State Park (1) (2)

Rend Lake Fish and Wildlife Area and Corps of Engineers' managed areas of Rend Lake

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)

Skinner Farm State Habitat Area (1) (2)

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 – Spunky Bottoms Unit (2)

Wildcat Hollow State Forest (1)

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- 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)

Big River State Forest (2) (5)

[Carlyle Lake State Fish and Wildlife Area – East Fork Unit in Clinton County](#)

Castle Rock State Park (first or second season only) (all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase~~will be issued~~ an either-sex site-specific~~standby~~ permit) (1) (2) (5)

Cedar Glen State Natural Area (1) (2)

Chain O'Lakes State Park (first season permits only; an antlerless deer permit must be filled before filling an either-sex permit; hunting from elevated stands only, 6 feet minimum above the 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; all hunters must attend a site lottery drawing for designated hunter stations) (1) (2)

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Clinton Lake State Recreation Area (only in the area between County Highway 14 and State Route 48 – both sides of lake) (1)

Coffeen Lake State Fish and Wildlife Area

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

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

Ferne Clyffe State Park - Ferne Clyffe Hunting Area (1) (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) (all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they ~~can purchase~~~~will be issued~~ an either-sex ~~site-specific~~~~standby~~ permit) (2) (5)

French Bluff State Natural Area (1) (2)

Goose Lake Prairie State Natural Area/Heidecke State Fish and Wildlife Area (first or second season only) (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)

Henry Allan Gleason State Natural Area (2)

Hidden Springs State Forest (1)

Horseshoe Lake Conservation Area – Alexander County (Refuge, second Saturday and Sunday in November; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they will be issued an either-sex permit) (2)

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Hurricane Creek Habitat Area

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

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)

Jubilee College State Park (first or second season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they ~~can purchase~~ ~~will be issued~~ an either-sex ~~site-specific~~ ~~standby~~ permit; hunting during the 2006 firearm deer season is prohibited in marked zones (handicapped hunt area and areas within 300 yards of an inhabited dwelling); the 300 yard restricted zone is a pilot program that will be re-assessed with input from adjoining landowners prior to the 2007 firearm hunting season; 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 may be erected the day before the first season and must be removed by the day after the end of the second season; any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number) (2) (5)

Kaskaskia River Fish and Wildlife Area (Baldwin Lake Rest Area; first or second season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit; 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 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) (5 - last 2 days of second season)

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)

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

Marseilles Fish and Wildlife Area (first or second season only) (all tree stands must be removed no later than the last day of the archery deer season; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may enter the site only from designated parking lots) (1) (2) (5)

Marshall Fish and Wildlife Area (2) (5)

Middle Fork Fish and Wildlife Area (2)

Mississippi Palisades State Park (first season only) (1) (2) (5)

Mitchell's Grove Nature Preserve (first or second season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they ~~can purchase~~ ~~will be issued~~ an either-sex ~~site-specific~~ ~~standby~~ permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck program) (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, 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)

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

Pyramid State Park (2) (3)

Pyramid State Park – East Conant Unit (3)

Pyramid State Park – Galum Unit (3)

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

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Revis Hill Prairie State Natural Area (2)

Sahara Woods (1) (2)

Sand Ridge State Forest (2)

Sandy Ford State Natural Area (first or second season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they ~~can purchase~~~~will be issued~~ an either-sex ~~site-specific~~~~standby~~ permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck program) (2) (5)

Sangamon County Conservation Area (1)

Siloam Springs State Park (2) (3)

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

Starved Rock/Matthiessen State Park/Margery C. Carlson Nature Preserve (first or second season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they ~~can purchase~~~~will be issued~~ an either-sex ~~site-specific~~~~standby~~ permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck program; standby hunters may purchase up to 2 one-day site-specific antlerless-only permits each day) (2) (5)

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

Union County State Fish and Wildlife Area (first Saturday in November only) (2)

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

Weinberg-King State Park (2)

Weinberg-King State Park – Scripps Unit (2)

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

White Pines Forest State Park (Monday, Tuesday and Wednesday prior to the first

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statewide firearm deer season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they ~~can purchase~~~~will be issued~~ an either-sex ~~site-specific~~~~standby~~ permit) (2) (5)

White Pines Forest State Park (Monday, Tuesday and Wednesday prior to the second statewide firearm deer season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they ~~can purchase~~~~will be issued~~ an either-sex ~~site-specific~~~~standby~~ permit) (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 32 Ill. Reg. _____, effective _____)

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 obtained from the appropriate site 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)

Horseshoe Lake State Conservation Area (first Saturday and Sunday of November; participants other than disabled hunters must take an antlerless deer before taking an antlered deer) (1) (2) (5)

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Jubilee College State Park (coincides with first firearm deer season; participants must take an antlerless deer during the current year firearm season on site before taking an antlered deer; hunter safety course not required) (2) (5)

Jubilee College State Park (coincides with second firearm deer season; participants must take an antlerless deer during the current year firearm season on site before taking an antlered deer; hunter safety course not required) (2) (5)

Rock Cut State Park (~~first Thursday, Friday, and 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 (coincides with first firearm deer season; permit applications may be obtained from the site office and completed applications must be returned to that office by the third Friday in October; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase~~will be issued~~ an either-sex site-specific~~standby~~ permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck program; hunter safety course not required) (2) (5)

Starved Rock State Park (coincides with second firearm deer season; permit applications may be obtained from the site office and completed applications must be returned to that office by the third Friday in October; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase~~will be issued~~ an either-sex site-specific~~standby~~ permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck program; 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 32 Ill. Reg. _____, effective _____)

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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>Proposed Action</u> :
660.10	Amendment
660.30	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) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: extend the close of the hunting hours to one-half hour after sunset, update standards and specifications for legal muzzleloading firearms by adding the use of Connecticut Valley Arms ignition to the list of legal ignitions, and to update the list of open sites and site-specific regulations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Jack Price, Legal Counsel
Department of Natural Resources

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One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 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 - 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; emergency amendment at 29 Ill. Reg. 13032, effective August 10, 2005, for a maximum of 150 days; emergency expired January 6, 2006; amended at 30 Ill. Reg. 12181, effective June 28, 2006; amended at 31 Ill. Reg. 8188, effective May 25, 2007; amended at 32 Ill. Reg. _____, effective _____.

Section 660.10 Statewide Season and Permit Quotas

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- a) Season: One-half hour before sunrise on Friday of the third 3-day (Friday, Saturday, Sunday) weekend following Thanksgiving to one-half hour after sunset on Sunday of this 3-day weekend in December. The hunter with a Muzzleloading Rifle Deer Permit may also hunt during the second firearm deer season (the first 4-day weekend – Thursday, Friday, Saturday and Sunday – following Thanksgiving), providing the hunter must use only a legal muzzleloading rifle and must abide by 17 Ill. Adm. Code 650.60 when hunting on Department-owned or -managed sites. Hunting hours are one-half hour before sunrise to one-half hour after sunset.
- b) Permit quotas shall be set by the Department of Natural Resources (Department) on a county or special hunt area basis. Cook, DuPage and Lake counties, and that portion of Kane County east of State Route 47, are closed to muzzleloading rifle deer hunting.
- c) Hunting prior to ½ hour before sunrise or after ½ hour after sunset 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(y)). Hunting during the closed season ~~or between sunset and ½ hour after sunset~~ is a Class B misdemeanor (see 520 ILCS 5/2.4).

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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 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

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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.
 - 4) Only percussion caps, wheellock, matchlock or flint type ignition may be used, except the Connecticut Valley Arms (CVA) electronic ignition shall be legal to use.
 - 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, or removal of the battery from the CVA electronic ignition muzzleloader, 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 32 Ill. Reg. _____, effective _____)

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 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

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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)

Cape Bend 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)

Collier Limestone Glade State Natural Area (1)

Copperhead Hollow State Wildlife Area (1) (2)

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

Cretaceous Hills State Natural Area (1)

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

Dog Island Wildlife Management Area (1) (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres Historic Site (no in-line muzzleloading rifles or muzzleloaders with scopes allowed) (1) (2)

George S. Park Memorial Woods State Natural Area (2)

Giant City State Park (1) (2)

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

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

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)

Lusk Creek Canyon State Natural Area (1)

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Meeker State Habitat Area (1) (2)

Mermet Lake Conservation Area (1) (2)

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

Miller-Anderson Woods State Natural Area (Bureau County permit holders may hunt the Bureau County portion of the area and Putnam County permit holders may hunt the Putnam County portion of the area) (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 (Batchtown, Crull Hollow and Godar Waterfowl Rest Areas are closed to hunting beginning 14 days before the regular duck season; areas reopen to hunting the day after duck season closes; it is unlawful to trespass upon the designated duck hunting areas 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; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck season only, deer hunters may not access the designated duck hunting areas by launching a boat at certain specifically posted boat ramps; boat ramps reopen to deer hunters the day after duck season closes) (1)

Oakford Conservation Area (1)

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

Pyramid State Park (2) (4)

Ray Norbut Fish and Wildlife Area (2)

Rend Lake State Fish and Wildlife Area Corps of Engineers' managed areas of

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Rend Lake

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)

Skinner Farm State Habitat Area (1) (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)

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

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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)

Carlyle State Fish and Wildlife Area – East Fork Unit in Clinton County

Castle Rock State Park (closed during second firearm season; all initial permits will be issued as antlerless only; hunters must take an antlerless deer on the site during the current year firearm or muzzleloader season before they will be issued an either-sex standby permit) (2) (6)

Cedar Glen State Natural Area (1) (2)

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)

French Bluff State Natural Area (closed during the second firearm deer season) (1) (2)

Goose Lake Prairie State Natural Area/Heidecke Lake State Fish and Wildlife Area (closed during the second firearm deer season) (2) (6)

Hanover Bluff State Natural Area (closed during the second firearm deer season) (2)

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

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

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Lake Shelbyville Project in Moultrie County (closed during the second firearm deer season; antlerless only)

Lake Shelbyville Project in Shelby County (closed during the second firearm deer season; antlerless only)

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; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may enter the site only from designated parking lots) (1) (2) (6)

Mitchell's Grove Nature Preserve (closed during the second firearm deer season; all initial permits will be issued as antlerless only; hunters must take an antlerless deer on the site during the current year firearm or muzzleloader season before they will be issued an either-sex standby permit; hunters must check antlerless deer with site staff for verification to participate in the bonus buck program; standby permits are available at the Matthiessen State Park check station) (2) (6)

Pyramid State Park – East Conant Unit (4)

Sahara Woods (1) (2)

Sandy Ford State Natural Area (closed during the second firearm deer season; all initial permits will be issued as antlerless only; hunters must take an antlerless deer on the site during the current year firearm or muzzleloader season before they will be issued an either-sex standby permit; hunters must check antlerless deer with site staff for verification to participate in the bonus buck program; standby permits are available at the Matthiessen State Park check station) (2) (6)

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)

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Spoon River State Forest (closed during second firearm deer season) (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; all initial permits will be issued as antlerless only; hunters must take an antlerless deer on the site during the current year firearm or muzzleloader season before they will be issued an either-sex standby permit; hunters must check antlerless deer with site staff for verification to participate in the bonus buck program; standby hunters may purchase up to 2 one-day site-specific antlerless-only permits each day) (2) (6)

Tapley Woods State Natural Area (closed during the second firearm deer season) (2)

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

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 32 Ill. Reg. _____, effective _____)

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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>Proposed Action:</u>
670.20	Amendment
670.21	Amendment
670.30	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) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: raise the fee for the nonresident combination archery deer permit to \$400, raise the number of nonresident combination archery deer permits issued to 25,000, raise the fee for nonresident Illinois landowners owning 40 acres or more for a combination permit for their property only to \$200, raise the fee for non-resident shareholders/members/beneficiaries to \$200, add language to clarify legal broadheads, add citations for legal crossbow devices, and update the list of open sites and site-specific regulations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

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

217/782-1809

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

The full text of the Proposed 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 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.

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7217, effective May 22, 2001; amended at 25 Ill. Reg. 11471, effective August 14, 2001; 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; amended at 30 Ill. Reg. 12196, effective June 28, 2006; amended at 31 Ill. Reg. 8202, effective May 25, 2007; amended at 32 Ill. Reg. _____, effective _____.

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, or as a single antlerless-only permit. The fee for a resident archery combination permit shall be \$25; a resident archery single antlerless-only permit shall be \$15. While there is no limit to the number of 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. Lifetime licenses issued after August 15, 2006 shall not qualify a nonresident of Illinois for a resident deer permit.
- c) 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 ~~\$400~~365. Nonresident hunters may apply during the period June 1 through June 30 via telephone using DNR's telephone vendor system (1-888-673-7648). The number of nonresident combination archery deer permits shall be limited to ~~25,000~~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

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drawing conducted after June 30. If the number of eligible outfitter clients in the drawing is less than 7,500, all remaining permits will be 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. Permits available after the lottery will be sold on a first come-first served basis. 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.

- d) An unlimited number of nonresident single antlerless-only archery deer permits is available over-the-counter (OTC) from participating license vendors for a fee of \$15.
- 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 landowner/tenant permits may be obtained by writing to:

Department of Natural Resources
L/T Deer Permit
P.O. Box 19227
Springfield IL 62794-9227

To obtain a landowner/tenant permit, applicants must submit an application to the Permit Office using the official 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) Permits are not transferable. Refunds will not be granted.
- h) 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

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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.

- i) 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 32 Ill. Reg. _____, effective _____)

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 owning 40 acres or more for a combination permit for their property only shall be ~~\$200~~150. 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, 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

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may apply for one either-sex permit to hunt the corporation, 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, limited liability companies, trusts or partnerships. Lands leased to corporations, 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, 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, limited liability company, trust or partnership, a duly authorized officer of the corporation, limited liability company, trust or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, company, trust or partnership lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder, 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, 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 shall be ~~\$200~~150. Non-resident 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 years.

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- 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.
- f) The application period for these permits will be publicly announced. Applicants submitting applications for a landowner/shareholder/member/beneficiary/partner 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).

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(Source: Amended at 32 Ill. Reg. _____, effective _____)

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 ~~cutting surfaces~~ blades, but they must be a minimum ? inch in diameter when fully opened. Broadheads with fixed ~~cutting surfaces~~ blades must be metal or flint-, chert-, or obsidian-knapped; broadheads with expandable ~~cutting surfaces~~ blades must be metal. All other bows and arrows, including electronic arrow tracking devices utilizing radio telemetry, are illegal.
- b) A crossbow device is illegal except as provided by [Sections 2.25, Section 2.26 and 3.29](#) of the Wildlife Code [520 ILCS 5/2.25, 2.26 and 3.29]. [Crossbow standards may be found in 17 Ill. Adm. Code 760 - Disabled Hunting Method Authorizations.](#) 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, ~~unless authorized for eligible disabled persons by 17 Ill. Adm. Code 760.~~
- 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 32 Ill. Reg. _____, effective _____)

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

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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)
Argyle Lake State Park (2)
 - * Banner Marsh Fish and Wildlife Area (2)
 - * Beall Woods State Park (1) (2)
 - * Big Bend State Fish and Wildlife Area (1) (2)
Big River State Forest (2)

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Burning Star 5 (an antlerless deer must be taken on the site before an antlered deer is harvested; deer hunters may begin scouting the Saturday prior to the season opening) (4)

Cache River State Natural Area (1) (2)

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

Cape Bend 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)

Cedar Glen State Natural Area (no hunting after December 15) (1) (2)

Collier Limestone Glade State Natural Area (1)

Crawford County Conservation Area (1) (2)

Cretaceous Hills State Natural Area (1)

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)

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- * Eldon Hazlet State Park (archery hunting is closed in the designated controlled pheasant hunting area on days when the controlled pheasant hunting program is in operation~~Hunting is only permitted north of Allen Branch, 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 Kaskaskia State Historic Site (opens November 1; during the current year archery season and at the site, an antlerless deer must be taken before an antlered deer is harvested~~antlerless-deer-only~~) (2)

Fort Massac State Park (1) (2)

Franklin Creek State Natural Area (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season) (2)

George S. Park Memorial Woods State Natural Area (2)

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Giant City State Park (1) (2)

Green River State Wildlife Area (1) (2)

Hanover Bluff State Natural Area (2)

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)

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)

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; a limited hunting opportunity for persons with disabilities, Class P2A, exists at the Davis Creek Bike Trail Area; disabled hunters must 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 the disabled hunting season (November 1 to the day before the first firearm deer season, except campground blinds will remain open until the close of the archery deer season and do not require a partner to hunt)) (2)

Kaskaskia River Fish and Wildlife Area (no hunting within 50 yards of the Baldwin Lake Waterfowl Rest Area's main north-south road; within this defined waterfowl rest area and during the current year archery season, hunters must take an antlerless deer before taking an antlered deer; this defined waterfowl rest area is closed until the observed Columbus Day holiday) (1) (2 – except south of Highway 154 and north of Highway 13)

Kidd Lake State Natural Area (1)

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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)

Little Rock Creek State Habitat Area (opens statewide opening date; however, site closes for archery deer hunting at the end of legal shooting hours the day preceding the opening of the north zone upland season and reopens the day after the close of the north zone upland season and runs until the statewide season closes) (1) (2)

Lincoln Trail State Park (November 1 through the end of statewide season; an antlerless deer must be taken on the site before an antlered deer is harvested) (2)

Lowden-Miller State Forest (1) (2)

Lowden State Park (in October, hunting allowed on Mondays, Tuesdays, Wednesdays and Thursdays only, excluding official State holidays; beginning November 1, archery hunting is allowed 7 days a week) (2)

Lusk Creek Canyon State Natural Area (1)

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; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may enter the site only from designated parking lots) (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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Mazonia/Braidwood State Fish and Wildlife Area (2) (4)

Mermet Lake Conservation Area (1) (2)

Midwin National Tallgrass Prairie (additional site hunting pass required)
(2)

Miller-Anderson Woods State Natural Area (2)

Mississippi Fish and Waterfowl Management Area – Pools 25 and 26 (Batchtown, Crull Hollow, and Godar Waterfowl Rest Areas are closed to hunting beginning 14 days before regular duck season; areas reopen to hunting the day after duck season closes; it is unlawful to trespass upon the designated duck hunting areas 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; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck season only, deer hunters may not access the designated duck hunting areas by launching a boat at certain specifically posted boat ramps; boat ramps reopen to deer hunters 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 in October; either-sex deer from November 1 until the end of the statewide season; closed during the muzzleloading deer season) (2)

Momence Wetlands State Natural Area (1) (2)

Morrison Rockwood State Park (opens on the day following the close of the first firearm deer season) (1) (2)

* Mt. Vernon Propagation Center (1) (2)

Nauvoo State Park (Max Rowe Unit Only)

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Oakford Conservation Area

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

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

Pyramid State Park (2) (4)

- * Randolph County Conservation Area (1) (2)

Rauchfuss Hill State Recreation Area (1) (2)

Ray Norbut Fish and Wildlife Area (2)

- * Red Hills State Park (1) (2)

Rend Lake State Fish and Wildlife Area and Corps of Engineers managed areas of Rend Lake (an antlerless deer must be taken on the site before an antlered deer is harvested)

Rend Lake State Fish and Wildlife Area (refuge only (south of site headquarters) from October 1 through October 31; an antlerless deer must be taken on the site before an antlered deer is harvested) (2)

- * Rice Lake Fish and Wildlife Area (2)

- * Rockton Bog State Natural Area (2)

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

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

Sandy Ford State Natural Area (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; archery deer hunting is closed during the muzzleloader deer season) (2)

Sangamon County Conservation Area

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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)

Skinner Farm State Habitat Area (1) (2)

South Shore State Park (2)

Spoon River State Forest (1) (2)

* Starved Rock State Park/Matthiessen State Park/Margery C. Carlson Nature Preserve (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; 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; open to archery deer hunting during the statewide firearm deer season only in Zone A) (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)

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Wards Grove State Natural Area (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)

- * ~~White Pines Forest State Park (antlerless deer only in October, either-sex deer from November 1 through the end of the statewide archery season; hunting allowed on Mondays, Tuesdays, Wednesdays and Thursdays only – excluding official State holidays in October. Beginning November 1, archery hunting is allowed 7 days a week, excluding the site's special firearm deer season and the Thursday of the second portion of the statewide firearm deer season; closed during the site's special firearm deer seasons) (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 (an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by December 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year) (1)

Horseshoe Lake State Park (Madison County) (hunting in designated areas only; an antlerless deer must be taken on the site before an antlered deer is

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harvested; harvest reports are due to the site by December 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year; 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)

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 (an antlerless deer must be taken on the site before an antlered deer is harvested) ~~(1)~~

Coffeen Lake State Fish and Wildlife Area

Copperhead Hollow State Wildlife Area (1)

Des Plaines Conservation Area (archery deer hunting is closed in hunting areas open for the controlled upland game program on days the controlled upland game program is operating) (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)

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French Bluff State Natural Area

Goose Lake Prairie State Natural Area/Heidecke State Fish & Wildlife Area ([archery deer hunting is closed during the muzzleloader deer season](#))

[Hallsville State Habitat Area \(October 1-31 only; eligible hunters will use Clinton Lake State Recreation Area site hunting permit\) \(1\)](#)

Hamilton County Conservation Area (1)

Harry "Babe" Woodyard State Natural Area (4)

[Henry Allan Gleason State Natural Area \(obtain permit at Sand Ridge State Forest\)](#)

Hidden Springs State Forest (1)

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

Kickapoo State Park

Mautino State Fish and Wildlife Area (1)

Meeker State Habitat Area (obtain permit at Sam Parr State Park headquarters) (1)

Middle Fork Fish and Wildlife Area

* Mississippi Palisades State Park (~~November 1 through December 31;~~ closed during the first firearm deer season) (1) [\(2\)](#)

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

* Pekin Lake Fish and Wildlife Area (1)

[Pere Marquette State Park \(area east of Graham Hollow Road\) \(1\)](#)

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Pyramid State Park – Captain Unit (4)

Pyramid State Park – Denmark Unit (4)

Pyramid State Park – East Conant Unit (4)

Pyramid State Park – Galum Unit (4)

Ramsey Lake State Park (1)

[Revis Hill Prairie State Natural Area \(obtain permit at Sand Ridge State Forest\)](#)

* Sam Dale Lake Conservation Area (1)

Sand Ridge State Forest

Shelbyville Fish and Wildlife Area

* 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)

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.

Chain O'Lakes State Park (season opens Monday prior to opening of permit pheasant hunting season and closes Tuesday following the close of

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the permit pheasant hunting season; season reopens on December 26 till close of regular season; an antlerless deer must be taken on site before an antlered deer is harvested) (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) (2)

- l) 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)

Siloam Springs State Park (2) (4)
- m) Statewide regulations shall apply at this site except that:

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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.

Hennepin Canal State Trail (hunters must stay in their designated zone; an antlerless deer must be taken on the site before an antlered deer may be taken) (2)

Moraine Hills State Park (2)(~~an antlerless deer must be taken on the site before an antlered deer is harvested~~)

Sahara Woods State Fish and Wildlife Area (Illinois residents and non-residents are eligible for the drawing) (1) (2)

Saline County Fish and Wildlife Area

Volo Bog State Natural Area (2)(~~an antlerless deer must be taken on the site before an antlered deer is harvested~~)

Weldon Springs State Park (except Piatt County Unit)

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

Wolf Creek State Park (an antlerless deer must be taken on the site before an antlered deer is harvested; Illinois residents and non-residents are eligible for the drawing) (2) (4)

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

(Source: Amended at 32 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Fire Truck Revolving Loan Program
- 2) Code Citation: 41 Ill. Adm. Code 290
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
290.10	Amendment
290.50	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 80 of the Illinois Finance Act Fire Truck Revolving Loan Program [20 ILCS 3501/825-80].
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking adopts a change in the administrative procedure for the loan application and clarifies the definition of "fire truck".
- 6) Published Studies or Reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These amendments provide assistance to units of local government so they can provide emergency services to the citizens of the State in a timely and professional manner.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

John J. Fennell Jr.
General Counsel
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

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Facsimile: 217-785-4144

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will provide financing for small municipalities and fire protection districts that provide emergency services
 - B) Reporting, bookkeeping or other procedures required for compliance: Those local governmental authorities that elect to participate, they will be required to complete an application and maintain records of purchase and repayment for the life of the loan.
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: the need for the new amendment was not anticipated at the time that the agendas were published.

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 290
FIRE TRUCK REVOLVING LOAN PROGRAM

Section	
290.10	Definitions
290.20	Purpose
290.30	Eligible Expenditures
290.40	Loan Application Review Committee
290.50	Application Procedure and Content
290.60	Appeal Process
290.70	Repayment Procedures
290.80	Terms and Conditions of Loan Agreement

AUTHORITY: Implementing and authorized by the Illinois Finance Act Ambulance Revolving Loan Program [20 ILCS 3501/825-80].

SOURCE: Adopted at 28 Ill. Reg. 4581, effective February 26, 2004; amended at 32 Ill. Reg. _____, effective _____.

Section 290.10 Definitions

The following definitions are used in this Part:

"Authority" means the Illinois Finance Authority created by the Illinois Finance Authority Act [20 ILCS 3501] or its successor agency.

"Committee" means the Loan Application Review Committee established in Section 290.40 of this Part.

"Fire Department" means a unit of local government (as defined in Article VII, Section 1 of the Illinois Constitution of 1970 and in 5 ILCS 70/1.28) in Illinois that provides fire suppression within a geographical area.

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"Fire Truck" means an emergency vehicle identified as, but not limited to, a pumper, ladder truck, elevating platform, rescue truck, tanker, brush truck; or squad truck.

"Office" means the Office of the State Fire Marshal.

"Program" means the Illinois Fire Truck Revolving Loan Program.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 290.50 Application Procedure and Content

- a) Subject to the availability of funds, the Office of the State Fire Marshal will annually issue application forms for zero-interest loans under this program to all fire departments. Each application form provided shall identify the information applicants must include in their loan requests and shall require that the loan application be returned to the Office no later than the late date specified in the application form. Applications shall be returned to the Office of the State Fire Marshal, Attention: Fire Truck Revolving Loan Program, 1035 Stevenson Drive, Springfield, Illinois 62703-4259.
- b) Each loan application shall include the following components:
 - 1) A completed application form supplied by the Office and signed by the duly authorized officers of the fire department.
 - 2) A description of the fire department's need for the proposed fire truck in light of the resources available to the fire department.
 - 3) Identification of the personnel to serve as contacts for information.
 - 4) Budget information, including copies of the two most recent audits (and/or income and expense reports) for the unit of local government, as well as information on the source of loan repayment funds. If repayment plans are based on charitable contributions (local fundraisers, for example), the applicant must provide a history of amounts raised in prior years.
 - 5) Certifications and assurances as the Office and/or Authority may require.

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- 6) All other information as requested on the loan application form and in the program guidance section of the application.
- c) Applications received at the Office shall be logged in as received and assigned an Application Number by the Office. ~~Applicants shall be notified by mail that their application has been received.~~
- d) Applications shall be assessed by blind review, meaning the Committee shall not see the name, address or any specific information that identifies the applicant. The Committee shall review and rank the applications based on assessment of need and information provided in the loan application.
- e) After the Committee's review and ranking of applications, loan dollar amounts will be assigned to the loan applications up to the maximum amount of funding available for loans under this program. Approval of an application by the Committee is not, nor should be, construed as any form of commitment or guarantee on the part of the Authority to the applicant unit that the proposed loan will be made.
- f) Those loan applications recommended for approval shall be forwarded to the Authority for review under its guidelines of creditworthiness. The Authority, after completion of its review, will notify the Committee which loan applications it will approve, subject to the end of the appeals process outlined in Section 290.60.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Ambulance Revolving Loan Program
- 2) Code Citation: 41 Ill. Adm. Code 292
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
292.10	New
292.20	New
292.30	New
292.40	New
292.50	New
292.60	New
292.70	New
292.80	New
292.90	New
- 4) Statutory Authority: Implementing and authorized by Section 85 of the Illinois Finance Act Ambulance Revolving Loan Program [20 ILCS 3501/825-85].
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking provides for the award and repayment of no interest loans for units of local government to purchase emergency medical service ambulances.
- 6) Published Studies or Reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These rules provide for the units of local government to provide emergency medical services to the citizens of the State in a timely and professional manner.

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

John J. Fennell Jr.
General Counsel
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

Facsimile: 217/785-4144

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This rule will provide financing for small municipalities and not for profit corporations that provide emergency medical services
 - B) Reporting, bookkeeping or other procedures required for compliance: Those local governmental authorities that elect to participate, they will be required to complete an application and maintain records of purchase and repayment for the life of the loan.
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: the need for the new amendment was not anticipated at the time that the agendas were published.

The full Text of the Proposed Rules begins on the next page:

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TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 292
AMBULANCE REVOLVING LOAN PROGRAM

Section	
292.10	Definitions
292.20	Purpose and Qualifications
292.30	Eligible Expenditures
292.40	Loan Application Review Committee
292.50	Application Procedure and Content
292.60	Criteria for Review of Loan Applications
292.70	Appeal Process
292.80	Repayment Procedures
292.90	Terms and Conditions of Loan Agreement

AUTHORITY: Implementing and authorized by the Illinois Finance Authority Ambulance Revolving Loan Program [20 ILCS 3501/825-85].

SOURCE: Adopted at 32 Ill. Reg. _____, effective _____.

Section 292.10 Definitions

The following definitions are used in this Part:

"Authority" means the Illinois Finance Authority created by the Illinois Finance Authority Act [20 ILCS 3501] or its successor agency.

"Committee" means the Loan Application Review Committee established in Section 292.40 of this Part.

"Applicant" or "Recipient" means a not-for-profit emergency medical service or a unit of local government (township fire department, fire protection district or municipal fire department) that provides emergency medical service within a geographical area.

"Ambulance" means an emergency medical vehicle that complies with USDOT and the Illinois Department of Public Health as a medical transport ambulance.

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"Office" means the Office of the State Fire Marshal.

"Program" means the Illinois Ambulance Revolving Loan Program.

Section 292.20 Purpose and Qualifications

- a) The Office of the State Fire Marshal and the Illinois Finance Authority shall jointly administer a program to provide zero-interest loans for the purchase of an ambulance or ambulances by a not-for-profit emergency medical service or a unit of local government (township fire department, fire protection district or municipal fire department) that provides emergency medical service to a geographic area.
- b) The Office shall determine loan awards based on equipment needs, financial need, and how recently the applicant has received a previous loan under this program, supplemented by recommendations from the Authority based on creditworthiness. A loan for the purchase of an ambulance shall not exceed \$100,000 in any single fiscal year to any recipient.
- c) Applicants who are required by the Fire Investigation Act [425 ILCS 25/6] to report fires to the Office must have participated in the National Fire Incident Reporting System (NFIRS) for a minimum of two years immediately preceding the date of application for the loan in order to be considered for a loan.
- d) Fire departments or emergency medical service providers that are for-profit entities are not eligible to apply for a loan under this program. Units of local government that do not operate emergency medical service units are similarly not eligible (e.g., a municipality that contracts for emergency medical services from another municipality or fire district).

Section 292.30 Eligible Expenditures

Funding is available under the Illinois Ambulance Revolving Loan Program for zero-interest loans for the purchase of ambulances. (See Section 292.50.)

Section 292.40 Loan Application Review Committee

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The State Fire Marshal shall appoint a Loan Application Review Committee to determine, based on equipment needs, financial need, and how recently the applicant has received a previous loan under this program, which eligible applications shall be recommended to the Authority to receive a loan under this program for the purchase of an ambulance.

- a) The Committee shall consist of the following nine members, who shall also serve as the Application Review Committee for the Fire Truck Revolving Loan program:
 - 1) The State Fire Marshal, as chair;
 - 2) Three Fire Chiefs (one each from a volunteer department, a combination department and a career/municipal fire department);
 - 3) One representative from the Associated Fire Fighters of Illinois;
 - 4) Two representatives from the Illinois banking community (one from the Community Bankers Association of Illinois and one from the Illinois Bankers Association), one of whom will serve as vice chair of the Committee for a period of one year, after which the vice chair position will rotate to the other banking community representative;
 - 5) One member who is a volunteer firefighter; and
 - 6) One member from the Illinois Association of Fire Protection Districts.
- b) Members shall serve without salary, but may receive reimbursement for reasonable expenses from the Office from appropriations for such purposes.
- c) All members shall have one vote, except for the State Fire Marshal, who shall only vote to break a tie.
- d) Members shall serve a term of four years. Members shall be appointed for initial terms as follows: two members shall serve terms of one year; two members shall serve terms of two years; two members shall serve terms of three years; and two members shall serve terms of four years. The allocation of initial terms shall be determined by a random drawing.

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- e) At the expiration of their initial terms of office, the members or their successors shall be appointed for terms of four years each. Upon the expiration of a member's term of office, the State Fire Marshal shall reappoint that member, or appoint a successor who is a representative of the same interests with which his or her predecessor was identified.
- f) The State Fire Marshal may, at any time, remove any of the respective appointees for inefficiency or neglect of duty in office. In such instances, the State Fire Marshal shall fill the vacancy for the remainder of the unexpired term by appointing a member who is a representative of the same interests with which his or her predecessor was identified. Upon the death or incapacity of a member, the State Fire Marshal shall fill the vacancy for the remainder of the unexpired term by appointing a member who is a representative of the same interests with which his or her predecessor was identified.
- g) Appointments shall be made to geographically represent the State.
- h) As determined by the State Fire Marshal, the Committee shall meet and organize within 10 days after the appointment of its members and, at that meeting, shall elect one Secretary of the Committee to serve a term to be fixed by the committee at that meeting.
- i) Regular meetings of the Committee shall occur once in each quarter, or as often as deemed necessary by the State Fire Marshal, at a date, time and place to be fixed by the Committee (or by the State Fire Marshal, should he or she call for the meeting) and at such additional times as the Committee deems necessary, for the consideration of loan applications, reviews, appeals and the transaction of any other business as properly may come before it.
- j) A quorum shall be a majority of the appointed positions that have been filled by appointment. Unfilled positions shall not be counted.

Section 292.50 Application Procedure and Content

- a) Subject to the availability of funds, the Office of the State Fire Marshal will post application forms for zero-interest loans under this program on the Fire Marshal's web site. Each application form provided shall identify the information applicants must include in their loan requests and shall require that the loan application be returned to the Office no later than the late date specified in the application form.

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Applications shall be returned to the Office of the State Fire Marshal, Attention: Ambulance Revolving Loan Program, 1035 Stevenson Drive, Springfield, Illinois 62703-4259.

- b) Each loan application shall include the following components:
 - 1) A completed application form supplied by the Office and signed by the duly authorized officers of the applicant.
 - 2) A description of the applicant's need for the proposed ambulance, in light of the resources available to the fire department.
 - 3) Name, address, phone, facsimile, and email contact information of the persons authorized to serve as contact for information regarding the application.
 - 4) Budget information, including copies of the two most recent audits (and/or income and expense reports) for the applicant or unit of local government, as well as information on the source of loan repayment funds. If repayment plans are based on charitable contributions (local fundraisers, for example), the applicant must provide a history of amounts raised in prior years.
 - 5) Certifications and assurances as the Office and/or Authority may require.
 - 6) All other information as requested on the loan application form and in the program guidance section of the application.
- c) Applications received at the Office shall be logged in as received and assigned an Application Identification Number by the Office.
- d) Applications shall be assessed by blind review, meaning the Committee shall not see the name, address or any specific information that identifies the applicant. The Committee shall review and rank the applications based on assessment of need and information provided in the loan application.
- e) After the Committee's review and ranking of applications, loan dollar amounts will be assigned to the loan applications up to the maximum amount of funding available for loans under this program. Approval of an application by the

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Committee shall not be construed as any form of commitment or guarantee on the part of the Authority to the applicant unit that the proposed loan will be made.

- f) Those loan applications recommended for approval shall be forwarded to the Authority for review under its guidelines of creditworthiness. The Authority, after completion of its review, will notify the Committee as to which loan applications it will approve, subject to the end of the appeals process outlined in Section 292.60.

Section 291.60 Criteria for Review of Loan Applications

- a) The Committee will consider the following criteria and assign point totals when determining loan recipients.
- 1) Priority - 0-5 points
 - A) Loan applications will be given an identification number when the OSFM receives the application.
 - B) If, for some reason, an applicant would withdraw or refuse a loan, priority would pass to the application next submitted.
 - 2) Equipment Need - 0-45 points
 - A) The applicant does not currently own an ambulance.
 - B) The applicant currently owns one or more ambulances.
 - C) The applicant is unable to acquire an ambulance without a grant or cannot borrow one from another department on a consistent or need basis (due to geographical distance, availability, etc.), or the ambulance represents a unique need for the district.
 - 3) Financial Need - 0-50 points
 - A) Will be determined by considering the total budget of the applicant as an available resource.

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- B) The cost of the ambulance is prohibitively expensive given the applicant's total budget.
- b) Those applicants receiving a loan in previous loan application cycles will not be considered until all applicants who have never received a loan but are requesting a loan have been considered. Previous grant recipients will still be eligible to receive a grant if they have received a previous loan, but the point total for their application will result in a lower priority.

Section 292.70 Appeal Process

- a) Those applicants whose loans were denied by the Committee or the Authority shall be notified by mail.
- b) Notice of denial shall be deemed received the date of mailing. The applicant has 30 calendar days from that date to forward to the Committee a Request for Reconsideration.
- c) The Request for Reconsideration shall be sent to the Office of the State Fire Marshal, Attention: Ambulance Revolving Loan Program, 1035 Stevenson Drive, Springfield, Illinois 62703-4259.
- d) The Request for Reconsideration may be accompanied by supporting documents and information not previously considered by the Committee or Authority. The Committee or, if appropriate, the Authority shall review the Request for Reconsideration. A denial of the Request for Reconsideration shall be final. While a Request for Reconsideration is pending, the application that is the subject of the Request for Reconsideration shall be deemed complete for the purposes of this Part.

Section 292.80 Repayment Procedures

- a) Loans shall be repaid within 10 years.
- b) The rate of interest shall be stipulated on the loan application as 0 percent.
- c) Payments on the loan (principal) shall be made by check on a quarterly basis in 80 equal installments.

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- 1) Loan payments shall be due quarterly on December 30, March 30, June 30 and September 30, with the first payment under each loan due on the second due date following the receipt of the loan.
- 2) Checks shall be made payable to the "Illinois Finance Authority Ambulance Revolving Loan Fund" and mailed to the Illinois Finance Authority in care of the Office of the State Fire Marshal.
- 3) Payments not received within 15 calendar days after the due date shall be assessed a penalty of 5 percent of the payment due; however, the late payment penalty shall be waived when the postmark date on the envelope used to submit the payment is dated five days or more before the end of the 15-day grace period.
- d) A recipient may prepay the balance due on the loan in its entirety on any scheduled payment date, provided that the recipient first contacts the Authority to obtain the total amount of the principal due at that time.

Section 292.90 Terms and Conditions of Loan Agreement

An approved loan application with the Office and the Authority is subject to the following terms:

- a) Orders for payment will be submitted to the Office of the Comptroller by the Office according to the terms of Section 292.80 (Repayment Procedures).
- b) Loan proceeds under this program shall be used exclusively for the purposes listed in Section 292.30 and shall be expended in accordance with the approved application and the applicant's policies and procedures related to such expenditures. In the event that the loan proceeds are not expended in the manner approved, then the recipient, upon written notification from the Office, shall be required to submit, by the next payment due date, payment of the outstanding principal of the loan.
- c) Loan proceeds shall be obligated no later than six months following the receipt of the loan.
- d) Use of loan proceeds shall be accounted for in accordance with standard accounting practices. Loan recipients shall submit to the Office a report detailing how the loan proceeds were used. This expenditure report, to be submitted on a

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form supplied by the Office, shall be due not later than nine months following receipt of the loan.

- e) Loan proceeds shall be included in the recipient's budget.
- f) In the event of default that is not cured within 90 calendar days, the Office shall notify the Office of the Comptroller to deduct the amount owed from any payments from other State agencies, and the recipient shall be ineligible for additional loans until good standing has been restored. In addition, the Office and/or the Authority may avail itself of all remedies, rights and provisions of law applicable in the circumstances, and the failure to exercise or exert any rights or remedies provided by law may not be raised as defense by the recipient in default.

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- 1) Heading of the Part: Body Art Code
- 2) Code Citation: 77 Ill. Adm. Code 797
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
797.100	New
797.200	New
797.300	New
797.400	New
797.500	New
797.600	New
797.700	New
797.800	New
797.900	New
797.1000	New
797.1100	New
797.1200	New
797.1300	New
797.1400	New
797.1500	New
797.1600	New
797.1700	New
797.1750	New
- 4) Statutory Authority: Implemented and authorized by the Tattoo and Body Piercing Establishment Registration Act [410 ILCS 54].
- 5) A Complete Description of the Subjects and Issues Involved: The Tattoo and Body Piercing Establishment Registration Act, Public Act 094-1040, was signed by Gov. Rod R. Blagojevich on July 21, 2006. The Act requires the Illinois Department of Public Health or its designee to inspect tattoo and body piercing parlors to ensure compliance with State standards, including health and safety requirements, such as sterilization and sanitation techniques, to receive certification. Facilities will be required to renew their registration every year.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public-Safety Workers in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6.

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Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures, in MMWR, July 12, 1991, Vol. 40, No. RR-8.

- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandates on units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written or e-mail comments may be submitted within 45 days after this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

217/782-2043
E-mail: dph.rules@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses that engage in the practice of body piercing or tattooing
 - B) Reporting, bookkeeping or other procedures required for compliance: The operator and/or body artist shall report to the Illinois Department of Public Health all infections or diseases resulting from a body art procedure that required medical attention within 24 hours after receiving a report that medical attention was required.

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- C) Types of Professional skills necessary for compliance: Body art establishments must retain proof that body artists employed by the establishment have completed bloodborne pathogen training.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2007

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD DRUGS AND COSMETICSPART 797
BODY ART CODE

Section	
797.100	Definitions
797.200	Incorporated and Referenced Materials
797.300	General Requirements
797.400	Operational Requirements
797.500	Exemptions
797.600	Public Notification Requirements
797.700	Disclosure of Pre-existing Conditions
797.800	Preparation and Care of the Body Art Area
797.900	Sanitation and Sterilization Procedures
797.1000	Requirements for Single Use Items
797.1100	Requirements for Premises
797.1200	Establishment Certificate of Registration Requirements
797.1300	Body Artist Proficiency Requirements
797.1400	Temporary Certificate of Registration Requirements
797.1500	Enforcement
797.1600	Procedures for Suspension, Revocation, or Refusal to Issue a Certificate of Registration
797.1700	Violations and Fines
797.1750	Administrative Hearings

AUTHORITY: Implementing and authorized by the Tattoo and Body Piercing Establishment Registration Act [410 ILCS 54].

SOURCE: Adopted at 32 Ill. Reg. _____, effective _____.

Section 797.100 Definitions

The following shall be the accepted definitions of the terms used in this Part:

"Act" means Tattoo and Body Piercing Establishment Registration Act [410 ILCS 54].

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"Aftercare" means oral and written instructions given to the client, specific to the body art procedures rendered, about caring for the body art and surrounding area. These instructions will include information about when to seek medical treatment, if necessary.

"Antiseptic" means an agent that destroys disease-causing microorganisms on human skin or mucosa.

"Apprentice" means an individual who works under the supervision of a body artist and performs body art activities.

"Autoclave" means an apparatus that is registered and listed with the federal Food and Drug Administration for sterilizing articles by using superheated steam under pressure.

"Body Art" means the practice of physical body adornment, including, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding and scarification. This definition does not include practices that are considered medical procedures by the Illinois State Medical Board, such as implants under the skin, which shall not be performed in a body art establishment. Nor does this definition include piercing of the outer perimeter or lobe of the ear with pre-sterilized single-use stud-and-clasp ear-piercing systems.

"Body Artist" means a person who conducts or practices body art activities and/or procedures.

"Body Art Establishment" or "*Establishment*" means a body-piercing operation, a tattooing operation, or a combination of both operations in a multiple-type establishment, whether public or private, temporary or permanent in nature or location, profit or not for profit. (Section 10 of the Act)

"Body Piercing" means penetrating the skin to make a hole, mark, or scar that is generally permanent in nature. "*Body piercing*" does not include practices that are considered medical procedures or the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized, single-use stud-and-clasp ear piercing system. (Section 10 of the Act)

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"Certificate of Registration" means written permission by the Department to operate a body art establishment. Approval is given in accordance with this Part and is separate from any other licensing requirement that may exist within communities or political subdivisions comprising the jurisdiction.

"Change of Ownership" means any of the following:

In the case of a body art establishment owned by a corporation, the transfer of the facility by the corporation to another corporation, to a partnership or association, or to a natural person. Transfer of stock in a corporation does not constitute change of ownership.

In the case of a body art establishment owned by a partnership or association, the transfer of the facility by the partnership or association to another partnership or association, to a corporation, or to a natural person. Transfer of interest in the partnership or association or substitution of any or all partners or members of the association does not constitute change of ownership.

In the case of a body art establishment owned by a natural person, the transfer of the facility to any corporation, partnership, association or other natural person, whether or not the owner retains any interest in the facility.

"Clean" or "Cleaning" means the removal of foreign materials from objects, normally accomplished with detergent, water and mechanical action.

"Client" means the person, customer, or patron whose skin will be tattooed or pierced. (Section 10 of the Act)

"Cosmetic Tattooing" (see "Tattooing").

"Dentist" means a person licensed to practice dentistry in this State pursuant to the Illinois Dental Practice Act [225 ILCS 25].

"Department" means the Illinois Department of Public Health or its designated agent.

"Director" means the Director of Public Health or his or her designee. (Section 10 of the Act)

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"Disclosure Warning Statement " means a sign or poster that is provided by the Department that advises the public of the potential health risks of body art services.

"Disinfect" or "Disinfection" means a process that provides an effective concentration of a United States Environmental Protection Agency registered chemical for enough time as specified by the manufacturer to reduce bacterial count, including pathogens, to a safe level (when disease organisms that may be present are destroyed so as to prevent transfer) on equipment surfaces and in toilet and hand washing facilities.

"Ear Piercing" means the puncturing of the outer perimeter or lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system, following manufacturer's instructions. Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the outer perimeter and lobe of the ear.

"Equipment" means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the procedures of body art.

"Good Hygienic Practices" means practices conducive to maintaining health and preventing disease, especially through cleanliness. Good hygienic practices include, but are not limited to, restrictions on eating, drinking and the use of tobacco products in the establishment; maintaining a high degree of personal cleanliness; hand washing and proper hand washing techniques; use of single-use disposable gloves; preventing employees from contaminating work surfaces; and availability of hand washing facilities and supplies.

"Hand Sink" means a lavatory equipped with hot and cold running water under pressure, tempered by means of a mixing valve or combination faucet, activated by wrist blade or knee control or other hands-free means, used solely for washing hands, arms and other portions of the body.

"Hot Water" means water that attains and maintains the temperature of at least 100 degrees F.

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"Imminent Health Hazard" means any hazard to the public health when the evidence shows that a product or practice creates or may create a public health situation, including, but not limited to, a lack of water or electricity, lack of sterilization, infections that are epidemiologically associated with a body art establishment, or the occurrence of a single case of a life-threatening illness that is epidemiologically associated with a body art establishment.

"Instruments Used for Body Art" means hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to body fluids during body art procedures.

"Invasive" means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.

"Jewelry" means any personal ornament inserted into a newly pierced area. The ornament shall be made of surgical implant-grade stainless steel; solid 14k or 18k white or yellow gold, niobium, titanium or platinum; or a dense, low-porosity plastic, that is free of nicks, scratches or irregular surfaces and has been properly sterilized prior to use.

"Mobile Body Art Establishment" or "Mobile Body Art Unit" means a mobile establishment or unit that is self-propelled or otherwise movable from place to place and is self-sufficient for utilities such as gas, water, electricity and liquid waste disposal.

"Operator" means an individual, partnership, corporation, association, or other entity engaged in the business of owning, managing, or offering services of body piercing or tattooing. (Section 10 of the Act)

"Peel-Packs" means a pouch of plastic or paper designed for use as a packaging material for steam sterilization. The pouch shall allow penetration of steam to allow sterilization and to maintain the sterility of the item after sterilization.

"Person" means any individual, corporation, partnership, firm, association, society, trust, estate, public or private institution, group, agency, political subdivision of this State, any other state or political subdivision or agency of that state, and any legal successor, representative, agent or agency of a person.

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"Physician" means a person licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine in all of its branches, or a chiropractic physician licensed to treat human ailments without the use of drugs and without operative surgery.

"Potable Water" means water that is safe for human consumption and meets the water quality standards of the Primary Drinking Water Standards (35 Ill. Adm. Code 611).

"Procedure Surface" means any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure, or any associated work area that may require disinfecting.

"Regulated Waste" means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 CFR 1910.1030 (Bloodborne Pathogens).

"Sanitation" means the effective bactericidal and veridical treatment of clean equipment surfaces by a process that effectively destroys pathogens. (Section 10 of the Act)

"Sanitization Procedure" means a process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level.

"Scarification" means to create a design on the skin by means of shallow cuts that are sometimes rubbed with a colorant or irritant to enhance the resulting scar tissue.

"Sharps" means any objects (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa, including, but not limited to, pre-sterilized single-use needles, scalpel blades, and razor blades.

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"Sharps Disposal Container" means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal and that is labeled with the international biohazard symbol.

"Single Use" means products or items that are intended for one-time, one-person use and are disposed of after use on each client, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, tattoo needles, scalpel blades, stencils, ink cups and protective gloves.

"Standard Precautions" means infection prevention and control measures that apply to all patients regardless of diagnosis or presumed infection status (see 77 Ill. Adm. Code 690.1010(a)(7)).

"Sterile" means free of all living organisms, including spores.

"Sterilization" means the use of a physical or chemical process to destroy all living organisms, including spores.

"Sterilize" means to destroy all living organisms including spores. (Section 10 of the Act)

"Sterilizer" means equipment used to sterilize body art devices, equipment and supplies by direct exposure to a selected sterilization agent.

"Tattooing" means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.

"Temporary Body Art Establishment" means any place or premise operating for educational, trade show or product demonstration purposes at a fixed location where a body artist/apprentice performs body art procedures for no more than 14 days consecutively in conjunction with a single event or celebration.

"Temporary Certificate of Registration" means a certificate of registration issued by the Department *for educational, trade show, or product demonstration purposes only. The temporary certificate of registration shall be valid for a maximum of 14 calendar days. (Section 20 of the Act)*

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"Ultrasound" means a process for cleaning soiled and/or used instruments before they are sterilized, using the emission of high frequency sound waves.

"Violation" means a finding of violation of a Section of the Act or this Part by a court of competent jurisdiction in this State, or by the Director in a Final Order issued pursuant to the Act, or by a notice of warning issued in accordance with this Part.

"Work Station" means an area where body art procedures are performed.

Section 797.200 Incorporated and Referenced Materials

- a) The following materials are incorporated or referenced in this Part:
 - 1) Illinois Statutes and Administrative Rules:
 - A) Criminal Code of 1961 [720 ILCS 5]
 - B) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
 - C) Illinois Plumbing Code (77 Ill. Adm. Code 890)
 - D) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
 - E) Electrologist Licensing Act [225 ILCS 412]
 - F) Acupuncture Practice Act [225 ILCS 2]
 - G) Administrative Review Law [735 ILCS 5/Art. III]
 - 2) Federal Regulations :

Bloodborne Pathogens, federal Office of the Safety and Health Administration (OSHA), 29 CFR 1910.1030(g)(2) (July 2005)
 - 3) Federal Guidelines:

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- A) Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public-Safety Workers, in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6
 - B) Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures, in MMWR, July 12, 1991, Vol. 40, No. RR-8
- b) All incorporations by reference of federal regulations and guidelines refer to the materials on the date specified and do not include any amendments or editions subsequent to the date specified.
 - c) Copies of all incorporated materials are available for inspection and copying by the public at the Department's Central Office, Division of Food, Drugs, and Dairies, 525 West Jefferson Street, Springfield, Illinois 62761.

Section 797.300 General Requirements

The following information shall be kept on file on the premises of a body art establishment and shall be available for inspection by the Department:

- a) Employee information
 - 1) Full names and exact duties;
 - 2) Date of birth;
 - 3) Home address;
 - 4) Home and work telephone numbers;
 - 5) Identification photographs of all body art operators/apprentices;
 - 6) Places of employment as an operator;
 - 7) Training documentation/certificates; and

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- 8) Proof of completion of a bloodborne pathogen training program compliant with Bloodborne Pathogens, OSHA, 29 CFR 1910.1030(g)(2), or equivalent curriculum approved by the Department.
- b) Establishment Information
- 1) Name of Establishment;
 - 2) Hours of Operation;
 - 3) Owner's name and home address;
 - 4) Owner's telephone numbers;
 - 5) A complete description of all body art procedures performed; and
 - 6) A list of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or orders shall satisfy this requirement.
- c) Emergency Procedures Information
- The owner or operator of a body art establishment shall prepare, maintain and implement an operation procedure that meets the following requirements:
- 1) The operation procedure shall provide for response to the occurrence of any sudden, serious and unexpected sickness or injury that would lead a reasonable person, possessing an average knowledge of health, to believe that the sick or injured person requires urgent or unscheduled medical care.
 - 2) The operation procedure shall include a method to address emergency situations, including, but not limited to, adverse reactions, anaphylactic reactions, and accidental needle sticks.
 - 3) The operation procedure shall include procedures to be used when blood, plasma, serum or body fluids, such as semen, saliva, breast milk, vaginal secretions and any fluid contaminated with blood, are exposed to:

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- A) mucous membranes, including eye, mouth or other mucous membranes;
 - B) broken or non-intact skin;
 - C) abraded or irritated skin; or
 - D) skin surfaces that are otherwise compromised.
- 4) The operation procedure shall describe methods for obtaining appropriate medical care in the event of such an exposure and designate personnel to be notified in the event of an emergency.
- 5) The operation procedure must be maintained in the body art establishment in a location accessible to all employees.
- c) The establishment shall also keep on file a copy of this Part.

Section 797.400 Operational Requirements

- a) It shall be unlawful for any person to perform body art procedures unless such procedures are performed in a body art establishment with a current certificate of registration.
- b) A body artist/apprentice shall be a minimum of 18 years of age.
- c) Smoking, eating or drinking is prohibited in the area where body art is performed.
- d) *Body piercing procedures must not be performed, without medical clearance, on skin surfaces where sunburn, rash, acne, infection, open lesions, or other questionable skin lesions exist and must not be performed on any person who is impaired by drugs or alcohol. (Section 27 of Act)*
- e) The body artists/apprentice shall maintain a high degree of personal cleanliness, conform to good hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, body artists/apprentices shall thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.

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- f) In performing body art procedures, the body artist/apprentice shall wear single-use disposable gloves. Gloves shall be changed if they become contaminated by contact with any non-clean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed before the next pair of gloves is donned. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable medical gloves does not preclude or substitute for hand-washing procedures as part of a good personal hygiene program.
- g) If, while performing a body art procedure, the body artist's/apprentice's glove is pierced, torn or otherwise compromised, the procedure in subsection (f) shall be repeated immediately. The contaminated gloves shall be immediately discarded, and the hands washed thoroughly (see subsection (e)) before a fresh pair of gloves is applied. Any item or instrument used for body art that is contaminated during the procedure shall be replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
- h) Regulated waste that may release liquid blood or body fluids when compressed, or may release dried blood or body fluids when handled, shall be placed in an approved bag marked with the international biohazard symbol. The regulated waste shall then be disposed of by a waste hauler in compliance with 29 CFR 1910.1030. Sharps ready for disposal shall be disposed of in approved sharps disposal containers. Storage of regulated waste on site shall not exceed 30 days, as specified in 29 CFR 1910.1030.
- i) Waste that does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal disposal methods.
- j) No person shall perform any body art procedure upon a person under the age of 18 years that is prohibited by Sections 12-10 through 12-10.2(c) of the Criminal Code of 1961. Nothing in this Section is intended to require an operator to perform any body art procedure on a person under 18 years of age with parental or guardian consent. Government issued identification, such as a driver's license or military ID with photo, shall be sufficient to show proof of age. The parent or legal guardian shall sign a consent form in the presence of an operator/body artist.

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The consent form shall indicate that the parent or legal guardian has read and understood the disclosure warning statement required under Section 797.600(c).

- k) Any skin or mucosa surface that is to receive a body art procedure shall be free of rash, irritation or any visible infection.
- l) No body artist/apprentice affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which that person could contaminate body art equipment, supplies or working surfaces with body substances or pathogenic organisms.

Section 797.500 Exemptions

The following practices, occupations and persons are exempted from this Part:

- a) *The practice of electrology as defined in the Electrologist Licensing Act [225 ILCS 412] (Section 10 of the Act);*
- b) *The practice of acupuncture as defined in the Acupuncture Practice Act [225 ILCS 2] (Section 10 of the Act);*
- c) *The use, by a physician licensed to practice medicine in all its branches, of colors, dyes, or pigments for the purpose of obscuring scar tissue or imparting color to the skin for cosmetic, medical, or figurative purposes (Section 10 of the Act); and*
- d) Individuals who pierce only the outer perimeter and lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system.

Section 797.600 Public Notification Requirements

- a) Verbal and written public educational information, provided by the Department, shall be offered to all clients prior to receiving body art procedures.
- b) Verbal and written instructions for the aftercare of the body art shall be provided to each client.

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- c) The written instructions shall advise the client to consult a physician or dentist at the first sign of infection. The written instructions shall also contain the name, address and phone number of the establishment. These documents shall be signed and dated by both parties, with a copy given to the client, and the operator shall retain the original with all other required records for a period of no less than two years. In addition, all establishments shall prominently display a disclosure warning statement, provided by the Department, that advises the public of the potential health risks of body art services.
- d) The certificate of registration holder shall also post in public view the name, address and phone number of the Department.
- e) The operator and/or body artist shall report in writing to the Department all infections or diseases, resulting from a body art procedure, that required medical attention. The written report shall be sent to the Department by mail or facsimile within 24 hours after receiving a report that medical attention was required. The report shall include:
 - 1) The name, address and phone number of the affected individual;
 - 2) The date of the body art procedure;
 - 3) Identification of the body artist/apprentice who performed the service;
 - 4) The name, address and certificate of registration number of the body art establishment involved;
 - 5) The anatomical location, condition and description of the affected site;
 - 6) The name, address and phone number of the affected individual's health care provider;
 - 7) The date that medical attention was sought; and
 - 8) Any other information considered relevant to the situation.

Section 797.700 Disclosure of Pre-existing Conditions

The body artist/apprentice shall verbally request information from all clients as follows:

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"To ensure that your body art procedure heals properly, we ask that you disclose if you have or have had any of the following conditions. Disclosure does not prevent you from having a body art procedure.

- a) Diabetes;
- b) History of hemophilia (bleeding);
- c) History of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants, etc.;
- d) History of allergies or adverse reactions to pigments, dyes or other skin sensitivities such as, but not limited to, latex;
- e) History of epilepsy, seizures, fainting or narcolepsy;
- f) Medications used, such as anticoagulants that thin the blood and/or interfere with blood clotting;
- g) Human immunodeficiency virus (HIV);
- h) Hepatitis;
- i) Any other information that would aid us in evaluating your body art healing process."

Section 797.800 Preparation and Care of the Body Art Area

- a) Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding the location of the body art procedure shall be washed with liquid soap and water or other antiseptic. If shaving is necessary, single-use disposable razors shall be used. Following shaving, the skin and surrounding area shall be washed with liquid soap and water or other antiseptic. The single-use disposable razor and washing pad shall be discarded after a single use.
- b) If bleeding occurs, all products used to check the flow of blood or to absorb blood shall be single use and shall be disposed of immediately after use in appropriate covered containers. (See definition of "regulated waste" in Section 797.100.)

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Section 797.900 Sanitation and Sterilization Procedures

- a) All non-disposable instruments used for body art shall be cleaned after each use by scrubbing with an appropriate soap or disinfectant solution and hot water, or by following the manufacturer's instructions, to remove blood and tissue residue, and shall be placed in an ultrasonic unit operated in accordance with manufacturer's instructions.
- b) After cleaning, all non-disposable instruments used for body art shall be packed individually in peel-packs and subsequently sterilized (see subsection (c)). All peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Peel-packs shall be dated with an expiration date not to exceed six months. If peel-packs are compromised or expired, the instrument shall be removed, repackaged and re-sterilized.
- c) All cleaned non-disposable instruments used for body art shall be sterilized in an autoclave that meets the criteria specified in subsection (h). The autoclave shall be used, cleaned and maintained according to manufacturer's instruction. The operator shall retain on-site a copy of the manufacturer's recommended procedures for the operation of the sterilization unit. If the body art establishment uses only single-use disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.
- d) After sterilization, the instruments used for body art procedures shall be stored in a dry, clean cabinet or tightly covered container reserved for the storage of such instruments.
- e) All instruments shall remain stored in sterile packages until just prior to the performance of a body art procedure. When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and the gloves are not contaminated.
- f) All inks, pigments, needles and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions. Pigment shall be reconstituted using only distilled or sterile water.

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- g) Immediately before a tattoo is applied, the quantity of the ink to be used shall be transferred from the ink bottle and placed into single-use containers. Upon completion of the tattoo, these single-use containers and their contents shall be discarded.
- h) Each certificate of registration holder shall demonstrate, by monthly spore destruction tests, that the autoclave used is capable of attaining sterilization. These tests shall be verified through an independent laboratory. Test records shall be retained on-site by the operator for a period of three years.

Section 797.1000 Requirements for Single-Use Items

- a) Single-use items shall not be used on more than one client for any reason. After use, all single-use needles, razors and other sharps shall be immediately disposed of in approved sharps disposal containers.
- b) All products applied to the skin, including body art stencils, shall be single-use and disposable. Petroleum jellies, soaps and other products used in the application of stencils shall be dispensed and applied to the area to be tattooed with sterile gauze or in a manner to prevent contamination of the original container and its contents.

Section 797.1100 Requirements for Premises

- a) All walls, floors, ceilings and procedure surfaces of a body art establishment shall be smooth, free of open holes and cracks, light colored, washable, and in good repair. Walls, floors and ceilings shall be maintained in clean condition. All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each client. The body art establishment shall be maintained in a clean and sanitary condition at all times.
- b) All body art establishments shall be completely separated, by solid partitions or by walls extending from floor to ceiling, from any room used for human habitation, any food establishment or room where food is prepared, any hair salon, any retail sales, or any other such activity that may cause potential contamination of work surfaces.
- c) Effective measures shall be taken by the operator/body artist/apprentice to protect against the presence of insects, vermin and rodents in the establishment. Doors

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shall be self-closing and tight fitting. If windows open, they shall have tight-fitting screens.

- d) Each work station shall be a minimum of 40 square feet of floor space. Each establishment shall have an area that may be screened from public view for clients requesting privacy. Dividers, curtains or partitions, at a minimum, shall be available to separate multiple work stations.
- e) The establishment shall be well ventilated and provided with an artificial light source equivalent to at least 20 foot candles.
- f) No animals of any kind shall be allowed in a body art establishment, except service animals used by persons with disabilities. Fish aquariums shall be allowed in waiting rooms and non-procedural areas.
- g) A separate hand sink (see Section 797.100) shall be readily accessible to the operators within the body art establishment. The hand sink shall be supplied with liquid soap and disposable paper towels. One hand sink shall serve no more than six operators/apprentices.
- h) Each body art establishment shall have a minimum of one lavatory facility, excluding any service sinks, and one toilet facility. The lavatory facility shall be equipped with a hand sink, as well as liquid soap and paper towels in dispensers. Toilet facilities shall have tight fitting, self-closing doors. Such doors shall not be left open except during cleaning or maintenance. A supply of toilet tissue shall be provided at each toilet at all times. Toilet facilities shall also be equipped with mechanical ventilation to the outside air.
- i) At least one covered waste receptacle shall be provided in each work station, lavatory facility, and toilet facility. Receptacles in the work station shall be emptied daily, and solid waste shall be removed from the premises at least weekly. All refuse containers shall be cleanable, and kept clean. Waste receptacles shall be kept uncovered during use and covered while not in use.
- j) All instruments and supplies shall be stored in clean, dry, covered containers.
- k) If reusable cloth items are used, they shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.

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- l) In addition to complying with all of the requirements of this Part, mobile body art vehicles and body artists/apprentices working from a mobile body art establishment shall also comply with the following requirements:
 - 1) Body art shall be performed only from an enclosed vehicle such as a trailer or mobile home. No body art procedures shall be performed outside of the enclosed vehicle.
 - 2) Potable water shall be maintained for the mobile body art establishment at all times during operation.
 - 3) All liquid wastes shall be stored in a storage tank with a capacity at least 50 percent greater than the capacity of the on-board potable water supply. Liquid wastes shall be disposed of in accordance with State and federal laws.
 - 4) A toilet facility, equipped with a hand sink, shall be available within the mobile body art establishment. The hand sink shall be supplied with hot and cold running water, under pressure, to a mixing-type faucet, as well as liquid soap and paper towels in dispensers. Toilet facilities shall have tight fitting, self-closing doors. The doors shall not be left open except during cleaning or maintenance. A supply of toilet tissue shall be provided at each toilet at all times. Toilet facilities shall also be equipped with mechanical ventilation to the outside air.

Section 797.1200 Establishment Certificate of Registration Requirements

- a) The operator of a body art establishment shall maintain a current certificate of registration from the Department. The owner shall file an application with the Department using an application provided by the Department and shall include all of the following information:
 - 1) *The applicant's name, address, telephone number, and age. To qualify for the certificate of registration, the applicant shall be at least 18 years of age;*
 - 2) *The name, address, and phone number of the establishment;*

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- 3) *The type and year of manufacture of equipment proposed to be used for body art;*
 - 4) A floor plan of the premises, showing the location of required facilities and work stations;
 - 5) *The sterilization and operational procedures to be used by the establishment (Section 15 of the Act);*
 - 6) The total number of work stations located in the establishment. This number shall include all work stations, whether utilized or not.
- b) With each certificate of registration application, the applicant shall submit a \$500 non-refundable fee. The \$500 non-refundable fee shall satisfy the cost of the certificate of registration and the registration of one work station. For each additional work station located in the facility, applicants shall submit, at the time of application, an additional \$50 non-refundable fee.
 - c) Any attempt to obtain a certificate of registration by means of fraud, misrepresentation or concealment is prohibited.
 - d) *The certificate of registration issued by the Department shall be conspicuously displayed within the sight of clients upon entering the establishment.*
 - e) *Registration is valid for a single location and only for the operator named on the certificate. Registration is not transferable. (Section 35 of Act)*
 - f) *In the event of a change of ownership, the new owner must apply for a certificate of registration prior to taking possession of the property. (Section 40 of Act)*

Section 797.1300 Body Artist Proficiency Requirements

- a) The operator shall hire only body artists who have complied with the body artist proficiency requirements of this Part.
- b) No person shall conduct body art procedures without first demonstrating proficiency and knowledge of this Part.
- c) The body artist shall possess knowledge of the following subjects:

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- 1) Anatomy;
 - 2) Infectious disease control, including waste disposal, hand-washing techniques, sterilization equipment operation and methods, and sanitization/disinfection/sterilization methods and techniques; and
 - 3) Skin diseases, disorders and conditions (including diabetes).
- d) The knowledge required by subsection (c) may be demonstrated by maintaining documentation of completion of "Bloodborne Pathogen Training", OSHA (29 CFR 1910.1030(g)(2)). The Department will approve training/courses provided by professional body art organizations/associations, equipment manufacturers, or the American Red Cross if the courses meet the same objectives and standards as the OSHA course.
- e) A list of all body artists who have complied with this Section and all other provisions of this Part shall be posted in a prominent and conspicuous area of the establishment.

Section 797.1400 Temporary Certificate of Registration Requirements

- a) *A temporary certificate of registration may be issued by the Department for educational, trade show or product demonstration purposes that include body art procedures. The temporary certificate of registration shall be valid for a maximum of 14 calendar days. (Section 20 of Act)*
- b) The establishment shall be contained in a completely enclosed non-mobile facility (e.g., inside a permanent building).
- c) A body artist who wishes to obtain a temporary certificate of registration shall submit a temporary certificate of registration application for review by the Department at least 30 days prior to the event. The application shall specify:
 - 1) Inclusive dates during which the temporary certificate of registration is needed (not to exceed 14 consecutive calendar days per event), without reapplication;

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- 2) Compliance with body artist proficiency requirements as specified in Section 797.1300;
- 3) The address where the temporary certificate of registration will be used.
- d) A temporary certificate of registration shall not be issued unless the applicant has paid a non-refundable fee of \$250.
- e) A temporary certificate of registration shall not be transferable from one place or person to another.
- f) Compliance with all of the requirements of this Part includes, but is not limited to, the following:
 - 1) Conveniently located hand-washing facilities with liquid soap, paper towels and hot and cold water under adequate pressure shall be provided. Drainage in accordance with local plumbing codes is to be provided. Alcohol-based single-use hand wipes shall be available in each work station to augment the hand-washing requirements of this Section;
 - 2) A minimum of 40 square feet of floor space shall be provided per work station;
 - 3) There shall be at least 20 foot candles of light at the level where the body art procedure is being performed; and
 - 4) The establishment shall provide instrument sterilizing equipment in compliance with this Part, on which a spore test has been performed 30 or fewer days prior to the date of the event, or only single-use prepackaged sterilized equipment obtained from reputable suppliers or manufacturers shall be allowed.
- g) A temporary certificate of registration issued by the Department is required prior to the performance of any body art procedures.
- h) Body art procedures shall not be performed before the Department has inspected the location identified on the temporary certificate of registration application.

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- i) If the holder of a temporary certificate of registration fails to comply with the requirements of the Act or this Part, the Department shall suspend the temporary certificate of registration.
- j) The temporary certificate of registration and the disclosure warning statement provided by the Department (see Section 797.600(c)) shall be prominently posted.

Section 797.1500 Enforcement

- a) The Department shall inspect any establishment, mobile body art establishment/unit, or any other place that it believes is required to apply for a certification of registration under the Act and this Part, as often as necessary to ensure compliance with this Part. The initial inspection of a mobile body art establishment shall take place at a location identified by the Department. Additional inspections may be performed at any event where the mobile body art establishment is scheduled to operate.
- b) If the Department is denied access to any establishment, mobile body art establishment/unit, or any other place that it believes is required to apply for certification of registration under the Act and this Part, the Department shall request intervention of local, county or State law enforcement agencies to seek a court order or warrant to investigate and enter the establishment, mobile body art establishment/unit, or any other place. Any person or entity preventing the Department from carrying out its duties under the Act or this Part shall be guilty of a violation of the Act and shall be subject to penalties.
- c) If the Department suspects that a communicable disease is or may be transmitted by an operator/apprentice, by use of unapproved or malfunctioning equipment, or by unsanitary or unsafe conditions and practices or other imminent health hazard that may adversely affect the health of the public, upon written notice to the owner or operator, the Department shall do any or all of the following:
 - 1) Issue an order excluding any or all operators/apprentices from the body art establishment who are responsible, or appear to be responsible, for the transmission of a communicable disease until the Department determines there is no further risk to public health;

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- 2) Issue an order to immediately suspend the certificate of registration of the establishment until the Department determines that there is no further risk to the public health. The order shall state the cause for the action.

Section 797.1600 Procedures for Suspension, Revocation, or Refusal to Issue a Certificate of Registration

A certificate of registration may be denied, suspended, or revoked, or the renewal of a certificate of registration may be denied, for any of the following reasons:

- a) Any single violation of the Act or this Part;
- b) *Conviction of an applicant or registrant of an offense arising from false, fraudulent, deceptive or misleading advertising. The record of conviction or a certified copy shall be conclusive evidence of the conviction;*
- c) *Revocation of a certificate of registration during the previous 5 years or surrender or expiration of the certificate of registration during the pendency of action by the Department to revoke or suspend the certificate of registration during the previous 5 years, if, before the certificate of registration was issued to the individual applicant, a controlling owner or controlling combination of owners of the applicant, or any affiliate of the individual applicant or controlling owner of the applicant or affiliate of the applicant, was a controlling owner of the prior certificate of registration. (Section 45 of the Act)*

Section 797.1700 Violations and Fines

- a) In addition to any other action authorized by the Act or this Part, the Department may assess fines, in addition to denying, suspending and revoking certificates of registration, against a person for any violation of any provision of the Act or this Part.
- b) *A fine not to exceed \$1,000 per day for each day the registrant remains in violation shall be issued for any violation of the Act or this Part. (Section 80 of Act)*
- c) A violation is a failure to adhere to any of the provisions of the Act or this Part. A violation shall also include any of the following:

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- 1) Failure to abide by any stop operation or stop use order issued under this Part;
- 2) Failure to notify the Department of any incident, accident or public health emergency involving any equipment or operator, as required in Section 797.600;
- 3) Failure to allow the Department to perform inspections and investigations in accordance with Section 30 of the Act and Section 797.1500;
- 4) Use of autoclave or body-piercing or puncturing equipment in a manner inconsistent with its labeling or directions;
- 5) Performing a body art procedure in a faulty, careless or negligent manner;
- 6) Performing a body art procedure in violation of the certificate of registration requirements of Section 15 of the Act;
- 7) Performing a body art procedure in violation of an order issued by the Department;
- 8) Failure to use methods or materials suitable for body art;
- 9) Performing a body art procedure on a person under the age of 18 years, in violation of the Criminal Code of 1961;
- 10) Allowing a certificate of registration to be used by another person;
- 11) Aiding or abetting a person in evading any provision of the Act;
- 12) Failure to comply with the operator proficiency requirements of Section 797.1300;
- 13) Failure to comply with waste removal requirements of Section 797.400;
- 14) Failure to maintain client records as required by Section 797.700;
- 15) Failure to maintain premises in sanitary condition as required by Section 797.1100;

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- 16) Failure to establish and maintain records of body art procedures in accordance with Section 797.700;
- 17) Failure to renew a certificate of registration in accordance with Section 35 of the Act;
- 18) Failure to notify the Department of a change in business ownership in accordance with Section 40 of the Act and Section 797.1200 of this Part;
- 19) Failure to provide information to the Department upon request in accordance with Section 55 of the Act;
- 20) Failure to display or provide a current permit, in accordance with Section 35 of the Act.

Section 797.1750 Administrative Hearings

- a) All hearings shall be conducted pursuant to the Act and the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
- b) The Department shall serve notice of fine and/or penalty assignments, and provide an opportunity for hearing.
- c) If a person fails to request a hearing within the time provided in the notice, the person shall be deemed to have waived the right to an administrative hearing, and the fine, pursuant to Section 797.1700 and/or action pursuant to Section 797.1600, shall be due immediately upon issuance of a final order by the Department.
- d) All fines and/or actions that are upheld in whole or in part by final order of the Department shall be due in full at the conclusion of the time period for filing for administrative review pursuant to the Administrative Review Law, unless the person has, within that time, filed proceedings in administrative review specifically appealing the fine and/or adverse licensure action and unless the court has stayed enforcement of the fine and/or adverse licensure action.

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- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
112.1	Amendment
112.70	Amendment
112.71	Amendment
112.76	Amendment
112.78	Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art.IV and 12-13].
- 5) Effective date of Amendments: February 7, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in the Illinois Register: July 20, 2007; 31 Ill. Reg. 10404
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

In Section 112.1(b)(2), "whose youngest child is age six or older" was added and "20 hours per week in FFY 1998, 25 hours per week in FFY 1999," and "in FFY 2000 and after." were deleted.

New Section 112.1(b)(3) was added as follows:

- 3) For Category 04 cases whose youngest child is under age six - 20 hours per week.

The following was added to Section 112.71(a):

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- "4) Is an adult in a family when only children are receiving TANF benefits and the adult is not the parent of the children who are receiving TANF.
- 5) Is a parent in a family when only children are receiving TANF benefits and the parent is a minor parent who is not the head of household or spouse of the head of household.
- 6) Is a parent in a family when only children are receiving TANF benefits and the parent is an alien who is ineligible to receive assistance due to his or her immigration status.
- 7) Is a parent in a family when only children are receiving TANF benefits and the parent is a recipient of Supplemental Security Income benefits.
- 8) Is a parent providing care for a disabled family member living in the home who does not attend school on a full-time basis."

In Section 112.78(a), "Directly Related to Employment" is added after "Education" and "(Below Post-Secondary)" is stricken, "lasting less than" is stricken and "12 months" is deleted after "~~lasting less than~~".

In Section 112.78(a)(1), "Directly Related to Employment" is added and "(Below Post-Secondary)" is stricken.

In Section 112.78(a)(2), "education" is capitalized and "Directly Related to Employment" is added after "Education".

In Section 112.78(a)(3)(F), "Directly Related to Employment" is added after "Education", "(Below Post-Secondary)" is stricken and "a secondary activity that can be counted for a maximum of 10 hours per week when the client is also engaged in work or a countable work or training activity for 20 hours per week" is added after "is". The remainder of the subsection beginning with "limited to ~~12~~24 months" is deleted.

In Section 112.78(b)(1)(F), "(10 hours per week if their youngest child is under age six)" is added after "at least 20 hours per week", "(20 hours if their youngest child is under age six)" is added after "equal at least 30 ~~25~~ hours".

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In Section 112.78(c), "If it is determined that secondary school is inappropriate or not the best option for an 18 or 19 year old parent, the 18 or 19 year old parent may be assigned to work activities or training." is added at the end of the Section.

New Section 112.78(d) is added as follows and the remaining Sections are renumbered accordingly:

d) Job Skills Training Directly Related to Employment

1) Description of Job Skills Training

Job skills training directly related to employment is training and education for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the workplace. This can include literacy instruction or language instruction when such instruction is explicitly focused on skills needed for employment.

2) Assignment to Job Skills Training

A Client may be assigned to Job Skills Training when:

- A) The client is working or in another countable work or training core activity at least 20 hours per week.
- B) The client needs additional training to qualify for or to retain employment in a recognized occupation which will make the family self-supporting.
- C) The client has a GED or high school diploma, if it is required for training or employment in the chosen field.
- D) The client has the ability and interest needed for success in the training. This is determined by test results, educational/training background, and talking to the client.
- E) Jobs are available in the chosen field where the client intends to work.

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In Section 112.78(m), "of" is deleted and replaced by "such as" before "health" in the second sentence.

In Section 112.78(m)(2)(B), "or is not job ready" is added before the period in the first sentence.

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking is the result of federal law and rule changes that require states to independently revise their work activity policies to engage more TANF cases in productive work activities leading to self-sufficiency. The TANF Interim Final Rule is a 139-page document that can be found at: <http://www.acf.hhs.gov/programs/ofa/tanfregs/tfinrule.htm>.

Under the reauthorization provisions, a TANF client must be assigned to work activities including work experience and community service. If the positions in these activities are subject to the Fair Labor Standards Act, a client cannot be assigned more hours of participation than the amount derived from the calculation of TANF grant plus food stamp allotment divided by the minimum wage. If this calculation results in less than 20 hours per week, the Department can deem the person as having met the 20 hours per week requirement as long as the person works the maximum hours permitted and the Department adopts a Mini-Simplified Food Stamp Program.

Adoption of the Mini-Simplified Food Stamp Program requires the Department to impose a food stamp sanction when the TANF adult fails to comply with the TANF work and training requirements. The Department's failure to adopt the Mini-Simplified Food Stamp Program puts the Department in danger of failing to meet its TANF federal work participation rate (and incur a financial penalty). However, in adopting the Mini-Simplified Food Stamp Program, the Department must impose food stamp sanctions when the TANF adult who has a work and training requirement fails to comply with that requirement.

As a result of this rulemaking, the sanction period for all food stamp sanctions for failure to comply with work registration requirements, Food Stamp employment and training

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program requirements or TANF work and training requirements is 3 months for program alignment and simplification.

Companion amendments are also being adopted in 89 Ill. Adm. Code 121 in this issue of the *Illinois Register*.

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

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

- 17) Do these adopted amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section

112.1	Description of the Assistance Program and Time Limit
112.2	Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
112.3	Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
112.5	Incorporation by Reference
112.6	The Family Violence Option

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

112.8	Caretaker Relative
112.9	Client Cooperation
112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
112.50	Living Arrangement
112.52	Social Security Numbers
112.54	Assignment of Medical Support Rights
112.60	Basis of Eligibility
112.61	Death of a Parent (Repealed)
112.62	Incapacity of a Parent (Repealed)
112.63	Continued Absence of a Parent (Repealed)
112.64	Unemployment of the Parent (Repealed)
112.65	Responsibility and Services Plan
112.66	Alcohol and Substance Abuse Treatment
112.67	Restriction in Payment to Households Headed by a Minor Parent
112.68	School Attendance Initiative
112.69	Felons and Violators of Parole or Probation

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SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section	
112.70	Employment and Work Activity Requirements
112.71	Individuals Exempt from TANF Employment and Work Activity Requirements
112.72	Participation/Cooperation Requirements
112.73	Adolescent Parent Program (Repealed)
112.74	Responsibility and Services Plan
112.75	Teen Parent Personal Responsibility Plan (Repealed)
112.76	TANF Orientation
112.77	Reconciliation and Fair Hearings
112.78	TANF Employment and Work Activities
112.79	Sanctions
112.80	Good Cause for Failure to Comply with TANF Participation Requirements
112.81	Responsible Relative Eligibility for JOBS (Repealed)
112.82	Supportive Services
112.83	Teen Parent Services
112.84	Employment Retention and Advancement Project
112.85	Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section	
112.86	Project Advance (Repealed)
112.87	Project Advance Experimental and Control Groups (Repealed)
112.88	Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.89	Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.90	Project Advance Sanctions (Repealed)
112.91	Good Cause for Failure to Comply with Project Advance (Repealed)
112.93	Individuals Exempt From Project Advance (Repealed)
112.95	Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section	
112.98	Exchange Program (Repealed)

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SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.100	Unearned Income
112.101	Unearned Income of Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump-Sum Payments
112.128	Protected Income (Repealed)
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Employed Applicants
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion from Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income from Work-Study and Training Programs
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards

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- 112.153 Deferral of Consideration of Assets
- 112.154 Property Transfers (Repealed)
- 112.155 Income Limit
- 112.156 Assests for Independence Program

SUBPART H: PAYMENT AMOUNTS

Section

- 112.250 Grant Levels
- 112.251 Payment Levels
- 112.252 Payment Levels in Group I Counties
- 112.253 Payment Levels in Group II Counties
- 112.254 Payment Levels in Group III Counties
- 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

SUBPART I: OTHER PROVISIONS

Section

- 112.300 Persons Who May Be Included in the Assistance Unit
- 112.301 Presumptive Eligibility
- 112.302 Reporting Requirements for Clients with Earnings
- 112.303 Budgeting
- 112.304 Budgeting Schedule
- 112.305 Strikers
- 112.306 Foster Care Program
- 112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96
- 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
- 112.309 Institutional Status
- 112.310 Child Care for Representative Payees
- 112.315 Young Parents Program (Renumbered)
- 112.320 Redetermination of Eligibility
- 112.330 Extension of Medical Assistance Due to Increased Income from Employment
- 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
- 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
- 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

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SUBPART J: CHILD CARE

Section

112.350	Child Care (Repealed)
112.352	Child Care Eligibility (Repealed)
112.354	Qualified Provider (Repealed)
112.356	Notification of Available Services (Repealed)
112.358	Participant Rights and Responsibilities (Repealed)
112.362	Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364	Rates of Payment for Child Care (Repealed)
112.366	Method of Providing Child Care (Repealed)
112.370	Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section

112.400	Transitional Child Care Eligibility (Repealed)
112.404	Duration of Eligibility for Transitional Child Care (Repealed)
112.406	Loss of Eligibility for Transitional Child Care (Repealed)
112.408	Qualified Child Care Providers (Repealed)
112.410	Notification of Available Services (Repealed)
112.412	Participant Rights and Responsibilities (Repealed)
112.414	Child Care Overpayments and Recoveries (Repealed)
112.416	Fees for Service for Transitional Child Care (Repealed)
112.418	Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at

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3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency

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amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended

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at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency

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amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138,

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effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003; amended at 28 Ill. Reg. 5655, effective March 22, 2004; amended at 29 Ill. Reg. 5473, effective April 1, 2005; amended at 29 Ill. Reg. 8161, effective May 18, 2005; emergency amendment at 29 Ill. Reg. 16008, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; amended at 30 Ill. Reg. 9331, effective May 8, 2006; amended at 30 Ill. Reg. 11202, effective June 12, 2006; amended at 31 Ill. Reg. 6968, effective April 30, 2007; amended at 31 Ill. Reg. 10462, effective July 6, 2007; amended at 31 Ill. Reg. 15080, effective October 24, 2007; amended at 32 Ill. Reg. 2767, effective February 7, 2008.

SUBPART A: GENERAL PROVISIONS

Section 112.1 Description of the Assistance Program and Time Limit

- a) The program provides temporary assistance for needy families. Clients are limited to 60 months of benefits as an adult. This is a lifetime limit and includes cash benefits received both in Illinois and other states. All parents or caretakers must engage in work activities ~~within 24 months or, if earlier,~~ when determined able to work.
- b) Months in which the family has reported weekly hours of employment equal to or greater than the State TANF Work Requirement will not count toward the 60-month limit. The State TANF Work Requirement is as follows:
 - 1) For Category 06 (two parent) cases - 35 hours per week ~~in FFY 1999 and after;~~
 - 2) For Category 04 cases ~~whose youngest child is age six or older - 20 hours per week in FFY 1998, 25 hours per week in FFY 1999, 30 hours per week; in FFY 2000 and after.~~
 - 3) For Category 04 cases whose youngest child is under age six - 20 hours per week.

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- c) Months in which a family head is a teen parent under age 18 will not count toward the 60-month limit.
- d) Months in which a person meets the criteria listed in Section 112.2 will not count toward that person's 60-month limit.
- e) Months in which a person cares for a severely disabled child approved for a waiver under the Home & Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21 programs (89 Ill. Adm. Code 140.645) will not count toward the 60-month limit.
- f) Months in which the only adult in the assistance unit is the primary caregiver for a child under age 18 with physical or mental health problems, or in which one adult in the assistance unit is the primary caregiver for his or her spouse who has physical or mental health problems, and the demands of caregiving do not allow the caregiver to obtain or retain employment that would satisfy [subsection \(b\)](#) of this Section, will not count toward the 60-month limit. The physical or mental health problems of the child or spouse must be verified with a physician's statement and will be reviewed by the Department. The Department shall also verify that the care being provided does not allow the caregiver to obtain or retain employment that would satisfy subsection (b) of this Section.
- g) Months in which a person is granted a waiver under Section 112.6(i) due to domestic violence issues will not count toward that person's 60-month limit.

(Source: Amended at 32 Ill. Reg. 2767, effective February 7, 2008)

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section 112.70 Employment and Work Activity Requirements

Sections 112.70 through 112.83 describe the employment and work activity requirements for TANF clients and clients receiving family assistance from State funds only. The purpose of TANF is to provide temporary assistance to needy individuals and families and assist them in [attaining skills and training needed to become employed and](#) ~~obtaining education, training and employment to~~ help avoid long-term welfare dependence. The TANF Program will focus on enhancing the long-term employability of TANF clients by assessing the individual capabilities of each participant, using the Family Assessment to create a Responsibility and Services Plan to

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match the participant to a suitable activity and employment goal. The program will offer a wide variety of intensive activities aimed at assisting the participant to acquire the training education and/or work skills needed to meet the demands of the current labor market as well as in the future and to become self-sufficient. ~~After 24 months of TANF receipt, participants will be working or participating in a work activity as specified in the Responsibility and Services Plan in order to remain eligible for TANF.~~ Work activities are appropriate activities to remove barriers to successful employment and to prepare TANF participants to achieve progress toward self-sufficiency. The level of TANF employment or work activities in the State as a whole and in different counties of the State may vary depending upon available resources. Program services may be provided directly by the Department or through contract. References to the Department or staff of the Department shall include contractors when the Department has entered into contracts for program services. ~~In areas where the Department has contracted with community colleges, the program is called Opportunities. References to TANF and TANF participants shall include Opportunities and Opportunities participants.~~ In addition to work activities described in Section 112.78, ~~work~~ activities for TANF participants may also include:

- a) a program in accordance with a plan developed with a provider of domestic violence services;
- b) a program to treat alcohol or drug abuse in accordance with the Responsibility and Services Plan;
- c) a program to treat mental health disorders in accordance with the Responsibility and Services Plan;
- d) participation in VISTA, Job Corps, some paid JTPA programs, or work study for cash or financial credit for education expenses; and
- e) self employment and micro enterprise activities in accordance with the Responsibility and Services Plan; and f) foster parenting consistent with the Responsibility and Services Plan.

(Source: Amended at 32 Ill. Reg. 2767, effective February 7, 2008)

Section 112.71 Individuals Exempt from TANF Employment and Work Activity Requirements

- a) An individual shall be exempt from TANF Employment and Work Activity Requirements when that individual:

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- 1) Is a child who is not a parent.
 - 2) Is the parent or other caretaker relative of a child under age one in the home who is personally providing care for the child. ~~This includes family cap cases.~~
 - A) Only one person in a case may be exempted for this reason.
 - B) A parent under age 20, without a high school diploma or equivalent, cannot claim this exemption unless his or her youngest child is under 12 weeks of age.
 - 3) Is 60 years of age or older.
 - 4) Is an adult in a family when only children are receiving TANF benefits and the adult is not the parent of the children who are receiving TANF.
 - 5) Is a parent in a family when only children are receiving TANF benefits and the parent is a minor parent who is not the head of household or spouse of the head of household.
 - 6) Is a parent in a family when only children are receiving TANF benefits and the parent is an alien who is ineligible to receive assistance due to his or her immigration status.
 - 7) Is a parent in a family when only children are receiving TANF benefits and the parent is a recipient of Supplemental Security Income benefits.
 - 8) Is a parent providing care for a disabled family member living in the home who does not attend school on a full-time basis.
- b) Exemption from TANF Employment and Work Activity does not equate to exemption from the 60-month lifetime limit.

(Source: Amended at 32 Ill. Reg. 2767, effective February 7, 2008)

Section 112.76 TANF Orientation

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At the time of application or at the time of the first face-to-face contact, all TANF applicants and recipients will be informed in writing and orally, if appropriate, of the availability of the TANF employment and work activities and of the supportive services for which they might be eligible and of the agency and participant responsibilities. This includes the following:

- a) education, employment and training opportunities available;
- b) supportive services including child care, transportation, Work Pays;
- c) the obligation of the agency to provide supportive services;
- d) the rights and responsibilities of participants under the Plan, including exemption and good cause criteria and procedures ~~and the 24-month work requirement and time limits~~;
- e) the types and locations of child care services including the local Child Care Resource and Referral (CCR&R);
- f) the consequences of failing to complete participation requirements under the Plan ~~and the 24-month work requirement~~;
- g) if nonexempt, the fact that the individual is nonexempt and is required to participate consistent with his or her Responsibility and Services Plan;
- h) the right to appeal any action, request a change in the Plan or to reschedule an appointment;
- i) the Family Assessment and Responsibility and Services Plan; and
- j) general participation requirements (for example, appearing for scheduled meetings, responding to a job referral, accepting a bona fide offer of suitable employment (see Section 112.72)).

(Source: Amended at 32 Ill. Reg. 2767, effective February 7, 2008)

Section 112.78 TANF Employment and Work Activities

- a) Education Directly Related to Employment ~~(Below Post Secondary)~~
Adult clients who have not received a high school diploma or GED and need

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~~Participants who are not working are limited to~~ further education to obtain a specific occupation, job, or job offer are placed in this program. It consists of Adult Basic Education (ABE), General Equivalency Diploma (GED), and English-as-a-Second-Language (ESL) ~~and short-term Vocational Training programs lasting less than~~. Clients may be ~~two years and may be~~ required, in coordination with the education schedule, to participate in Job Readiness activities, job skills training, Job Search, and/or Work Experience at the same time they are attending the education/training program to the extent resources will allow. ~~Co-enrollment in Adult Basic Education/GED/ESL and Vocational Training is encouraged. In this activity, the individual receives information, referral, counseling services and supportive services to increase the individual's employment potential. Participants may be referred to testing, counseling and education resources. Educational activities will include basic and remedial education; English proficiency classes; high school or its equivalency (for example, GED) or alternative education at the secondary level; and with any educational program, structured study time to enhance successful participation.~~

- 1) Assignment to Education Directly Related to Employment ~~(Below Post-Secondary)~~
 - A) Individuals to be assigned to Education may include but are not limited to individuals:
 - i) who do not have a high school degree or equivalent;
 - ii) who have limited English proficiency; and
 - iii) who do not read at or above a 9.0 grade level.
 - B) Educational activities may be combined with other activities if it is determined appropriate.
- 2) Approval ~~Criteria~~ criteria for Education Directly Related to Employment ~~education (Below Post-Secondary)~~
 - A) The program selected by the individual must be accredited under State law.
 - B) The individual's program must be needed for the participant to

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complete his or her Responsibility and Services Plan.

- C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate.
- D) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.

3) Participation Requirements

- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.
- B) Clients attending a program administered by the Illinois State Board of Education (ISBE) must maintain satisfactory progress as determined by the following:
 - i) active participation and pursuit of educational objectives;
 - ii) teacher's written remarks;
 - iii) grades;
 - iv) demonstrated competencies;
 - v) classroom exercises; and
 - vi) periodic test/retest results.
- C) ISBE educational providers determine satisfactory progress based on a combination of the indicators listed above and test/retest results. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12

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months.

D) Clients attending a program not administered by ISBE must maintain satisfactory progress as determined by the written policy of the institution. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.

E) Curriculum changes must be made with the prior approval of TANF staff and will be approved when the change is consistent with the Responsibility and Services Plan.

F) ~~Participation~~ ~~Except for individuals attending high school, participation in Education Directly Related to Employment (Below Post-Secondary) is a secondary activity that can be counted for a maximum of 10 hours per week when the client is also engaged in work or a countable work or training activity for 20 hours per week. limited to 24 months except that the individual may continue in the education program if he or she also works for at least 20 hours each week and the combined hours of work plus credit hours or class hours, as appropriate, equal at least 25 hours each week. Months in which the individual establishes good cause (see Section 112.80) for not participating in the program will not count toward the 24-month limit.~~

b) Vocational Training

Vocational Training is designed to increase the individual's ability to obtain and maintain employment. Vocational Training activities will include vocational skill classes designed to increase a participant's ability to obtain and maintain employment. Vocational Training may include certificate programs. Participants who are not working are limited to short-term Vocational Training programs lasting less than ~~12 months~~ ~~two years~~ and may be required, in coordination with the education/training schedule, to participate in Job Readiness activities, job skills training, Job Search, and/or Work Experience at the same time they are attending the education/training program to the extent resources will allow.

1) Approval Criteria For Vocational Training

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- A) The individual's program must be accredited under requirements of State law.
- B) The individual must be underemployed or unemployed and in need of additional training and the training will better prepare the participant to enter the labor force.
- C) Co-enrollment in Education Directly Related to Employment ~~Adult Basic Education/GED/ESL~~ and Vocational Training is encouraged if the individual does not have a high school diploma or GED.
- D) The individual must apply for all available educational benefits such as the Pell Grant and scholarships from the Illinois Student Assistance Commission as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.
- E) The individual must be enrolled full-time as defined by the institution or part-time if full-time is not available or appropriate.
- F) Clients who are working at least 20 hours per week (10 hours per week if their youngest child is under age six) and whose combined work plus credit hours or class hours, as appropriate, equal at least ~~3025~~ hours (20 hours if their youngest child is under age six) each week may be approved for vocational training after the 12-~~month~~~~two-year~~ limitation.
- G) The individual must be in a program needed for the individual to obtain employment in a recognized occupation.
- H) Jobs must be available in the chosen field in a specific geographical area where the individual intends to work consistent with the individual's Responsibility and Services Plan upon completion.
- I) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the

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individual may select a preferred program.

- J) Vocational Training may be combined with other activities if it is determined appropriate.
- K) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.

2) Participation Requirements

- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.
- B) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.
- C) The individual must participate the assigned number of hours each week.
- D) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term, but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.
- E) Curriculum changes must be made with the prior approval of TANF and will be approved when the change is consistent with the Responsibility and Services Plan.

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- c) Education at Secondary School
A minor parent age 19 or under who has not completed secondary school or received his or her GED is placed in this program. Regular attendance at a secondary school or in a course of study leading to a GED is required. The client must make satisfactory progress as defined by a passing grade. Grades must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months. If it is determined that secondary school is inappropriate or not the best option for an 18 or 19 year old parent, the 18 or 19 year old parent may be assigned to work activities or training.
- d) Job Skills Training Directly Related to Employment
- 1) Description of Job Skills Training
Job skills training directly related to employment is training and education for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the workplace. This can include literacy instruction or language instruction when such instruction is explicitly focused on skills needed for employment.
- 2) Assignment to Job Skills Training
A client may be assigned to Job Skills Training when:
- A) The client is working or in another countable work or training core activity at least 20 hours per week.
- B) The client needs additional training to qualify for or to retain employment in a recognized occupation that will make the family self-supporting.
- C) The client has a GED or high school diploma, if it is required for training or employment in the chosen field.
- D) The client has the ability and interest needed for success in the training. This is determined by test results, educational/training background, and talking to the client.
- E) Jobs are available in the chosen field in which the client intends to

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work.e) Job Readiness

- 1) The Job Readiness activities are designed to enhance the quality of the individual's level of participation in the world of work while learning the necessary essentials to obtain and maintain employment. These activities help individuals gain the necessary job finding skills to help them find and retain employment that will lead to economic independence.
- 2) Assignment to Job Readiness
Job Readiness activities may be combined with other activities if it is determined appropriate.
- 3) Participation requirements
 - A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.
 - B) The individual must attend all scheduled classes or sessions. The individual must be making satisfactory progress as defined by the written policy of the job readiness provider and approved by the Department. ~~If there is a job search activity in the program, the individual must make up to ten acceptable employer contacts in a 30 day period unless the participant shows good faith effort (see subsection (d)(3)(B) of this Section for the definition of "good faith effort").~~
 - C) The individual must participate the number of assigned hours each week.
 - D) The individual must respond to a job referral, accept employment and respond to mail-in contact.

f) Job Search

- 1) Description of Job Search
Job Search may be conducted individually or in groups. Job Search may

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include the provision of counseling, job seeking skills, training and information dissemination. Group Job Search may include training in a group session.

- 2) Assignment to Job Search
 - A) If assessed as job ready, participants will be assigned to Job Search. If job ready clients are unable to find employment on their own, they will be reassessed and may be placed in a more appropriate activity within six months.
 - B) Individuals completing education or vocational training or Job Readiness training may be assigned to Job Search.
 - C) Job Search may be combined with other activities if it is determined appropriate.

- 3) Participation Requirements
 - A) Participants must attend all scheduled classes or sessions. Participants will be notified in writing of all meetings.
 - B) Individuals must contact employers in an effort to secure employment. ~~Participants must make up to 20 acceptable employer contacts in a 30 day period.~~
 - C) Acceptable employer contacts may include but are not limited to:
 - i) a face-to-face contact with an employer or the employer's representative;
 - ii) the completion and return of an application to an employer, including an online application;
 - iii) the completion of a civil service test required for employment with State, local, or the federal government or the completion of a Department of Employment Security (DES) screening test;

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- iv) the completion and mailing of a resume with a cover letter to a recognized employer;
- v) reporting to the union hall for union members verified to be in good standing; or
- vi) registration with DES/Illinois Employment and Training Center (IETC).

ge)

Community Work Experience

TANF participants who have not found employment and who need orientation to work, work experience or training are placed on a supervised work assignment to improve their employment skills through actual Work Experience at private or not-for-profit employers, organizations and governmental agencies. Participants are referred to work assignments as vacancies are available. Participants in Work Experience may perform work in the public interest (which otherwise meets the requirements of this Section) such as enrollment as a full-time Americorps*VISTA volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.) for a Federal office or agency with its consent, and, notwithstanding ~~(31 USC 1342)~~ or any other provision of law, such agency may accept such services but such participants shall not be considered to be federal employees for any purpose.

1) Assignment to Community Work Experience

A) Community Work Experience is for:

- i) participants who will benefit from working for an employer who provides a subsidized employment assignment to improve the individual's opportunity to attain self-sufficiency; or
- ii) participants who need experience to prevent deterioration of, or to enhance, existing skills (for example, typing).

B) Entry into Community Work Experience

Participants are determined to be appropriate for Community Work Experience activity based on an assessment of their education, training and employment history. Procedures used in the

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assessment are a face-to-face meeting with the participant and a review of all available information on the participant (including, but not limited to, the individual's case record and Responsibility and Services Plan).

- C) **Community Work Experience Positions**
Participants shall be assigned to a Community Work Experience position to increase the potential for attaining employment. The date participants are scheduled to begin the work assignment marks the beginning of participation in Community Work Experience. Community Work Experience activities may be combined with other activities if it is determined appropriate.
- D) **Enrollment as a full-time Americorps*VISTA volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.) is an allowable work activity.** Paid work study and some paid Workforce Investment Act (WIA) programs are also allowable.

2) **Participation Requirements**

- A) The hours of the work assignment for a calendar month shall not exceed the family's monthly TANF grant and food stamp allotment divided by the higher of the State or federal minimum wage.
When this calculation results in less than 20 hours, the 20 hour TANF work requirement will be deemed met when the individual is working the maximum number of hours permitted under this calculation.
- B) During work assignment, participants shall be required to perform Job Search activities unless a participant is in an education and training program. Participants are required to accept bona fide offers of employment pursuant to Section 112.72.
- C) Participants are also required to report as scheduled and on time to their Work Assignment ~~work assignment~~ Sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their Work Assignment ~~work assignment~~ Sponsor.

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- D) Participants must participate the number of assigned hours each week.
- 3) **Review**
Every six months, the participant's Responsibility and Services Plan will be reviewed. If continuing the work assignment will benefit participants in terms of furthering work skills (see subsections ~~(g)~~~~(e)~~(1)(A) and (B)), participants shall be reassigned to the same or another work assignment. In addition, participants will be assessed for assignment to another TANF activity.
- 4) **Length of Assignment**
Participants must participate in Work Experience for as long as the Responsibility and Services Plan reflects the need for this activity.
- 5) **Anti-Displacement**
Community Work Experience is subject to the provisions of Section 112.78~~(q)~~~~(p)~~.
- hf) On the Job Training (OJT)**
In OJT, a participant is hired by a private or public employer and while engaged in productive work receives training that provides knowledge or skills essential to full and adequate performance of the job.
- 1) **Assignment to OJT**
- A) Job ready individuals may be assigned to OJT.
- B) OJT participants shall be compensated at the same rate and with the same benefits as other employees.
- C) Wages to participants in OJT shall not be less than the higher of the State or federal minimum wage.
- D) Wages to participants in OJT are considered earned income.
- E) OJT may be combined with other component activities if it is determined appropriate.

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- 2) Participation Requirements
The individual must participate the assigned number of hours each week.
- 3) Supportive Services
Participants in OJT receive child care and Medicaid benefits.

~~i~~g) Work Supplementation Program

- 1) The Work Supplementation Program develops employment opportunities for TANF recipients by paying wage subsidies to employers who hire program participants. The program is funded by diverting the cash grant an individual would receive if not employed and using the diverted grant to pay a wage subsidy to the employer who hires the recipient. The goal of the Work Supplementation Program is to obtain jobs for TANF recipients, who might not be hired without a subsidy, with sufficient pay to take them off TANF.
- 2) Eligible Participants
 - A) TANF participants who meet the selection criteria listed in subsection ~~(i)~~~~(g)~~(2)(B) of this Section are eligible to participate in the Work Supplementation Program. Participation in the program is voluntary. A TANF recipient who wants to participate in the Work Supplementation Program must agree to all provisions in this Section during the time of participation in the program.
 - B) In order to place special emphasis on people who would not be likely to obtain a job without work supplementation, TANF recipients must meet the following criteria for selection to participate in the Work Supplementation Program:
 - i) the recipient must be the parent of at least one of the children in the TANF unit;
 - ii) the recipient must have completed the Job Search work activity; and
 - iii) the recipient must have no income other than TANF

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benefits.

- C) Recipients identified for employment must be determined eligible for participation by their worker. The worker will recommend for participation in the Work Supplementation Program those participants who are likely to encounter difficulty in obtaining employment (for example, lack of skills for which jobs are available in the area, lack of work history).
 - D) Nothing in this Section should be construed as providing any recipient the right to participate in the program.
- 3) Benefits and Reporting Requirements While Participating in the Work Supplementation Program
- A) Participants in the Work Supplementation Program are considered to be TANF recipients and remain eligible for Medical Assistance for the duration of their Work Supplementation Program participation. Child care, for cases that are eligible for a cash grant, will be regarded as employment child care.
 - B) The participant must agree to accept wages from employment, which will be at least an amount which would be earned by working full time (30 hours minimum) at the prevailing minimum wage, less applicable payroll taxes.
 - C) Participants are required to file ~~quarterly~~ reports every six months as a requirement for continuing eligibility. Changes in income from sources other than the Work Supplementation Program job and/or circumstances must still be reported within five days after occurrence pursuant to 89 Ill. Adm. Code 102.50.
 - D) Wages paid under a Work Supplementation Program shall be considered to be earned income for purposes of any provision of law (42 USC 1614(e)(3)).
- 4) Duration of Program Participation
- A) Participants may not exceed a total of six months in the Work

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Supplementation Program subsidized placements regardless of the number of times an individual becomes a TANF recipient. The period of a single assignment is dependent upon the terms of the Work Supplementation Program contract that has been developed with the employer. Recipients will be informed of the length of the Work Supplementation Program subsidy period prior to placement.

- B) Participants who leave a supported work position without good cause (as defined in Section 112.80) are removed from the Work Supplementation Program and are subject to sanction.
- 5) Contracts with Employers
- A) Employers that participate in the Work Supplementation Program must enter into a written contract with the Department prior to receiving referrals.
 - B) Employers must be in good standing (that is, in compliance with all applicable federal, State, county and local laws, regulations and ordinances) with the Illinois Department of Revenue, the Secretary of State and any and all regulatory agencies that have jurisdiction over their activities.
 - C) Employers agree to screen clients to hire on their own payroll after six months. Failure to do so will result in the employer being terminated from the program.
- 6) Calculation of the Diverted Grants
- A) The level of grant to be diverted is determined on a prospective basis when a work assignment under the Work Supplementation Program is made. The effective date of the diverted grant is the first day of the first full month of Work Supplementation Program wages.
 - B) Work Supplementation Program participants are eligible only for the earned income budgeting disregards provided in Sections 112.141 and 112.143. The difference between the flat grant

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amount and revised amount is diverted to the wage pool.

- C) The difference between the payment level and the grant the participant receives is diverted and used in whole or in part to pay a wage subsidy to the employer.

- 7) Program Completion
If the participant is no longer eligible for TANF benefits after the Work Supplementation Program period, a determination of continued medical eligibility shall be made in accordance with Section 112.330.

- 8) Anti-Displacement
The Work Supplementation Program is subject to the provisions of Section 112.78~~(q)~~~~(p)~~.

- ~~j~~h) ~~Bachelor Degree Program~~~~Post-Secondary Education~~
~~A Bachelor Degree Program~~~~Post-secondary education~~ must be administered by an educational institution accredited under requirements of State law including, but not limited to, the Barber, Cosmetology and Esthetics Act of 1985 [225 ILCS 410], the Real Estate License Act of 1983 [225 ILCS 455], the Public Community College Act [110 ILCS 805], the University of Illinois Act [110 ILCS 305], the Chicago State Universities Law [110 ILCS 660], the Eastern Illinois University Law [110 ILCS 665], the Governors State University Law [110 ILCS 670], the Illinois State University Law [110 ILCS 675], the Northeastern Illinois University Law [110 ILCS 680], the Northern Illinois University Law [110 ILCS 685], the Western Illinois University Law [110 ILCS 690] and the Southern Illinois University Name Change Act [110 ILCS 505].

- 1) Approval Criteria For ~~a Bachelor Degree Program~~~~Post-Secondary Education~~

- A) The individual must have a high school diploma or a GED.

- B) Approval of ~~a Bachelor Degree program~~~~post-secondary education~~ is part of the process of developing the Responsibility and Services Plan (RSP) with the client. Factors to consider when determining whether ~~a Bachelor Degree program~~~~post-secondary education~~ is appropriate include, but are not limited to, the client's educational and work history, the client's aptitude for further education, the

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client's career goal, the client's ability to finance tuition and other expenses not provided by the Department, and the client's ability to arrange transportation, child care and other family obligations.

- C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate to upgrade skills for current employment.
- D) The individual must be in a program needed for the individual to obtain employment in a recognized occupation or upgrade skills for current employment.
- E) The individual does not already possess a baccalaureate degree or an associate degree if the Responsibility and Services Plan goal is an associate degree.
- F) If the participant possesses a baccalaureate degree, no additional education may be approved.
- G) The individual's program must be accredited under requirements of State law.
- H) If needed, the individual must apply for all available educational benefits, such as the Pell Grant and scholarships from the Illinois Student Assistance Commission, as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.
- I) Jobs, consistent with the individual's Responsibility and Services Plan, must be available in the chosen field in a specific geographical area where the individual intends to work upon program completion.
- J) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.

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- K) The program selected may be no more than a program that will result in the receipt of a baccalaureate degree consistent with the Responsibility and Services Plan.
- L) For category 04 cases, the individual, unless exempted under (i)(1)(N) of this Section, must also be employed in unsubsidized work for at least 20 hours each week or be participating for at least 20 hours per week in one or more of the ~~following~~ paid or unpaid work activities listed in this subsection (j)(1)(L). In addition, the combined work or work activities plus credit hours or class hours, as appropriate, must equal at least 30 hours per week.:
- i) Work~~work~~ study;
 - ii) Practicums~~practicums~~, clinicals, or vocational internships such as student teaching, if required by the institution to complete the educational program;
 - iii) Apprenticeships~~apprenticeships~~;
 - iv) Self-employment~~self-employment~~; or
 - v) Enrollment~~enrollment~~ as a full-time Americorps*VISTA volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (41 USC 4951 et seq.).
- ~~In addition, the combined work or work activities plus credit hours or class hours, as appropriate, must equal at least 25 hours per week.~~
- M) For category 06 (two parent) cases, the parents in the case must be working or involved in approved work activities for a total of 35 hours per week, individually or combined.
- N) Clients in a category 04 case with an approved RSP for full-time Bachelor Degree program~~post-secondary education~~ and a cumulative 2.5 or better grade point average (on a 4.0 scale) may not be subject to the minimum work requirement, described in (i)(1)(L) of this Section, as follows:

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- i) For the first semester, while the client is establishing a grade point average, the client will not be subject to the minimum work requirement. If a 2.5 grade point average is not achieved in the first semester, the client will be subject to the minimum work requirement in the second semester.
 - ii) As long as the client's cumulative GPA remains at least 2.5, the client will not be subject to the minimum work requirement.
 - iii) If the client's cumulative GPA falls below 2.5 at any time, the client may continue to go to school full-time for another semester without being subject to the minimum work requirement.
 - iv) If the cumulative GPA is below 2.5 two semesters in a row, the client will be subject to the minimum work requirement.
- O) Individuals who lose employment, unless due to a temporary scheduled employer shutdown, can continue in [a Bachelor Degree program](#)~~post-secondary education~~ and receive supportive services, if eligible, during the current semester while they seek employment. If the individual has not reentered employment by the end of the current semester, the individual will not continue in post-secondary education and receive supportive services, but will be reassigned to another appropriate activity.
- 2) Participation Requirements
- A) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual would be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, satisfactory progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.

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- B) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.
- C) Curriculum changes must be made with the approval of the TANF worker and will be approved when the change is consistent with the Responsibility and Services Plan.
- ki)** Job Development and Placement (JDP)
- 1) TANF staff shall develop through contacts with public and private employers unsubsidized job openings for participants. Job interviews will be secured for clients by the marketing of participants for specific job openings.
- 2) Assignment to JDP
Job ready individuals may be assigned to JDP.
- lj)** Job Retention
Job Retention is designed to assist participants in retaining employment. Job Retention expenses are provided. The individual's supportive service needs are assessed and the individual receives counseling regarding Job Retention skills. Counseling or job coaching may continue after employment begins as long as the individual continues to receive TANF.
- lk)** ~~Self-Employment~~
~~Self employment activities will increase the individual's ability to start and maintain a business. Self employment activities will include self employment development training programs and technical assistance programs. In order to be approved in the self employment component, the self employment development plan must be approved.~~
- 1) ~~Assignment to Self Employment~~

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~~Applicants must have a GED or high school diploma, some work experience and/or proven ability or have a plan that indicates success can be obtained without these requirements.~~

- 2) ~~Participation Requirements~~
~~Participants must participate in the assigned number of hours.~~

m) ~~Unstructured~~ Community Service

~~Community Service is a structured program of activities in which the client performs work for the direct benefit of the community. Community Service programs serve a useful community purpose in fields such as health, social service, environmental protection, education, urban and rural redevelopment, welfare, recreation, public facilities, public safety, and childcare. Community service can occur at locations such as libraries, area schools, soup kitchens, food pantries, senior citizen centers, nursing homes, hospitals, social service agencies and homeless shelters. Unstructured Community Service provides TANF participants with activities that emphasize and build on the individual's job seeking confidence by positively reinforcing the achievement of each small step gained in his or her successful advances toward employment. Activities may include volunteer work as well as job search contacts. Activities are closely monitored for compliance and for tracking the length of time that participants are assigned to Unstructured Community Service. At the reassessment the participant is assigned to the more structured work experience activity or Work First when the participant becomes more job ready. Participants are required to document their Job Search and Community Service activities. Activities must be at the State TANF Work Requirement level or as assigned by their Responsibility and Services Plan.~~

- 1) Community Service Positions
Clients shall be assigned to a Community Service position to increase the potential for attaining employment. Each Community Service position will have a position description that describes the duties and the expectations of clients assigned to Community Service. The date a client is scheduled to begin the Community Service assignment marks the beginning of participation in Community Service. Community Service activities may be combined with other activities if it is determined appropriate.
- 2) Participation Requirements

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- A) The hours of the Community Service assignment for a calendar month shall not exceed the family's monthly TANF grant and food stamp allotment divided by the higher of the State or federal minimum wage. When this calculation provides less than 20 hours, the 20 hours will be deemed met when the individual is participating in the maximum number of hours permitted under the minimum wage provision.
- B) During Community Service assignment, participants shall be required to perform Job Search activities unless a participant is in an education and training program or is not job ready. Participants are required to accept bona fide offers of employment pursuant to Section 112.72.
- C) Participants are also required to report as scheduled and on time to their Community Service sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their Work Assignment Sponsor.
- D) Participants must participate in the number of assigned hours each week.

3) Review

At the reassessment the participant is assigned to the more structured Work Experience~~work experience~~ activity or Work First when the participant becomes more job ready. ~~Participants are required to document their Job Search and Community Service activities. Activities must be at the State TANF Work Requirement level or as assigned by their Responsibility and Services Plan.~~

nm) Work First/Pay After Performance

- 1) Work First is a Work Experience pay-after-performance program.~~Participants who quit employment without good cause or lose employment for reasons entirely out of their control (for example, plant closings or layoffs) will be required to participate in Work First/Pay After Performance for six months or until they obtain employment to the extent~~

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~~slots exist. To the extent that resources allow, job ready clients will also be targeted for Work First/Pay After Performance slots.~~

2) Participation Requirements

A) The hours of the work assignment for a calendar month shall not exceed the family's monthly TANF grant and food stamp allotment divided by the higher of the State or federal minimum wage. When this calculation provides less than 20 hours, the 20 hours will be deemed met when the individual is working the maximum number of hours permitted under the minimum wage provision.

B) Participants shall be required to perform Job Search activities. Participants are required to accept bona fide offers of employment pursuant to Section 112.72.

C) Participants are also required to report as scheduled and on time to their Work Assignment Sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their Work Assignment Sponsor.

D) Participants must participate in the number of assigned hours each week. Individuals in a TANF case, assigned to Work First, must participate in Work First an average of at least 20 hours each week to earn their TANF grant and food stamps plus 5 employer contacts per week. If the participant does not work 80 hours per month, the reduction per hour not worked will be the amount of the grant divided by 80 hours.

~~3) Nonexempt individuals in a two-parent TANF case must participate an average of at least 30 hours each week in Work First and 5 employer contacts per week. If the individuals do not work 120 hours per month, the reduction per hour not worked will be the amount of the grant divided by 120 hours.~~

~~4) If the value of the participant's TANF grant plus food stamps divided by 80 or 120, respectively, does not equal the State or federal minimum wage, whichever is higher, then the hours will be reduced accordingly.~~

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- 35) Participants will be assigned to Work First/Pay After Performance until they find unsubsidized employment. An assessment will be conducted every six months to determine appropriateness of assignment, if work skills are being gained and if the opportunity for placement exists.
- 46) The Department will develop Work First/Pay After Performance positions with private employers or not-for-profit or public agencies. The Department shall provide workers' compensation coverage for participants. The Department will ensure all applicable employer safety laws are met for Work First/Pay After Performance assignments. Failure of an employer to do so will result in termination of the contract.
- 57) Work First/Pay After Performance is subject to the provisions of subsection (q)~~(p)~~ of this Section.
- 68) Individuals who fail to participate, without good cause, are determined to have not availed themselves of the Work First opportunity. If good cause is not determined, the entire case is ineligible for TANF assistance. Upon reapplication for TANF, the individual may be reassigned to a Work First position.
- 79) Failure to participate is determined to have occurred:
- A) if the participant does not report to the provider or employer. Participants are deemed to have failed to report if they have not contacted the provider or employer in person, by telephone or mail, or by a third party; or
 - B) if the participant has engaged in misconduct connected with the Work First assignment. The term "misconduct" means deliberate and willful violation of a reasonable rule or policy of the employer governing the individual's behavior in performance of work, provided such violation has harmed the employer or other employees or has been repeated by the individual despite a warning or the explicit instruction from the employer.
- OH) Substance Abuse

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- 1) Selection of Participants
If alcohol or substance abuse is suspected as a barrier to employment during the family assessment process or at an intake interview, the client will be referred for a clinical assessment by an alcohol/substance abuse counselor. If treatment is indicated, the client will be required to follow-up as a condition of eligibility, unless the client is employed more than 30 hours per week or if treatment resources are not available.
- 2) Barrier Reduction~~Work~~ Activity
Clients participating in alcohol/substance abuse treatment in accordance with their Responsibility and Services Plan are participating in a barrier reduction~~work~~ activity.
- 3) Supportive Services
Supportive services, i.e., child care and transportation, will be provided to enable clients' participation in treatment, to the extent resources are available.
- 4) Sanctions
 - A) Reconciliation will be attempted with clients who fail to cooperate with their treatment plan. Cooperation with the treatment plan will be defined by the alcohol/substance abuse provider, based on uniform guidelines.
 - B) When reconciliation is unsuccessful, the TANF sanctions will apply.
- ~~p~~e) Domestic Violence
 - 1) Selection of Participants
All clients receiving TANF will have a family assessment completed. If domestic violence is a barrier to employment, the client will be referred to a domestic violence service provider.
 - 2) Barrier Reduction~~Work~~ Activity
Clients participating in domestic violence abuse treatment ~~are in~~ accordance with their Responsibility and Services Plan ~~and are~~ participating in a barrier reduction~~work~~ activity.

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- 3) **Supportive Services**
Supportive Services, i.e., child care and transportation, will be provided to enable clients' participation in treatment, to the extent resources are available.
- 4) **Sanctions**
If the individual does not comply with the Responsibility and Services Plan relating to domestic violence, a sanction will not be imposed. The Responsibility and Services Plan will be reviewed, and other work related activities will be developed. Compliance will be required for the new activities.

gp) Anti-Displacement and Grievance Procedure

- 1) An employer may not utilize a work activity participant if such utilization would result in:
 - A) the displacement or partial displacement of current employees, including but not limited to a reduction in hours of non-overtime or overtime work, wages, or employment benefits; or
 - B) the filling of a position that would otherwise be a promotional opportunity for current employees; or
 - C) the filling of a position created by or causing termination, layoff, a hiring freeze, or a reduction in the workforce; or
 - D) the placement of a participant in any established unfilled vacancy; or
 - E) the performance of work by a participant if there is a strike, lockout, or other labor dispute in which the employer is engaged.
- 2) An employer who wishes to utilize work activity participants shall notify the appropriate labor organization in accordance with the applicable State statute [305 ILCS 5/9A-13].
- 3) Participants, other employees at the work site or their representative, may

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file a grievance with the Department if they believe the participant's work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:

- A) the name and address of the participant or other employee at the work site (the grievant);
 - B) the participant's case number (if grievant is participant);
 - C) the grievant's Social Security number;
 - D) Work Experience (work site); and
 - E) a statement as to why the grievant believes the participant is causing displacement.
- 4) Within ten days after receipt of a written grievance, the Department shall arrange an in-person conference with:
- A) the grievant;
 - B) the grievant's representative, if any;
 - C) the Work Experience Sponsor;
 - D) the Work Experience Sponsor's representative, if any; and
 - E) the Department's representative.
- 5) At the in-person conference, the Department shall solicit and receive from the grievant and the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information is requested by the grievant and/or the Department.
- 6) Within 15 days after the in-person conference, the Department shall advise the participant or other employee at the work site and the Work Experience Sponsor in writing of the information obtained in the

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investigation and of the findings and conclusions as to the matters alleged in the grievance.

- 7) If the Department concludes that displacement occurred (as described in subsection ~~(q)~~~~(p)~~(1) of this Section), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of TANF participants in addition to the participants involved in the grievance, the Department shall terminate those TANF participants' assignment to that ~~Work Experience~~~~work-assignment~~ Sponsor.
- 8) The Department, its employees or the Work Experience Sponsor shall not retaliate for filing a grievance or otherwise proceeding under this policy. Retaliation will result in the termination of the Work ~~Experience~~ Sponsor contract.

(Source: Amended at 32 Ill. Reg. 2767, effective February 7, 2008)

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- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
121.23	Amendment
121.24	Amendment
121.26	Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- 5) Effective date of Amendments: February 7, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in the Illinois Register: July 20, 2007; 31 Ill. Reg. 10446
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

New Section 121.24(a) was added as follows:

"Individuals receiving TANF who are required to participate in the TANF work and training program in accordance with 89 Ill. Adm. Code 112.71 and 112.72 are not exempt from food stamp work registration requirements unless they have a child under age six."

New Section 121.24(b) was added as follows:

"Individuals not receiving TANF who are listed below are exempt from food stamp work registration requirements, but may, if they wish, voluntarily register:"

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The remaining subsections were renumbered accordingly.

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
121.10	Amendment	September 7, 2007; 31 Ill. Reg. 12652
121.120	Amendment	September 7, 2007; 31 Ill. Reg. 12652
121.125	Amendment	September 7, 2007; 31 Ill. Reg. 12652
121.71	Amendment	September 13, 2007; 31 Ill. Reg. 13076
121.94	Amendment	November 9, 2007; 31 Ill. Reg. 15005
121.98	Amendment	November 9, 2007; 31 Ill. Reg. 15005

- 15) Summary and Purpose of Rulemaking: This rulemaking is the result of federal law and rule changes that require states to independently revise their work activity policies to engage more TANF cases in productive work activities leading to self-sufficiency. The TANF Interim Final Rule is a 139-page document that can be found at:
<http://www.acf.hhs.gov/programs/ofa/tanfregs/tfinrule.htm>.

Under the reauthorization provisions, a TANF client must be assigned to work activities including work experience and community service. If the positions in these activities are subject to the Fair Labor Standards Act, a client cannot be assigned more hours of participation than the amount derived from the calculation of TANF grant plus food stamp allotment divided by the minimum wage. If this calculation results in less than 20 hours per week, the Department can deem the person as having met the 20 hours per week requirement as long as the person works the maximum hours permitted and the Department adopts a Mini-Simplified Food Stamp Program.

Adoption of the Mini-Simplified Food Stamp Program requires the Department to impose a food stamp sanction when the TANF adult fails to comply with the TANF work and training requirements. The Department's failure to adopt the Mini-Simplified Food Stamp Program puts the Department in danger of failing to meet its TANF federal work participation rate (and incur a financial penalty). However, in adopting the Mini-Simplified Food Stamp Program, the Department must impose food stamp sanctions

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when the TANF adult who has a work and training requirement fails to comply with that requirement.

As a result of this rulemaking, the sanction period for all food stamp sanctions for failure to comply with work registration requirements, Food Stamp employment and training program requirements or TANF work and training requirements is 3 months for program alignment and simplification.

Companion amendments are also adopted in 89 Ill. Adm. Code 112 in this issue of the *Illinois Register*.

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

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Period of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

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121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA – Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

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Section

- 121.80 Fraud Disqualification (Renumbered)
- 121.81 Initiation of Administrative Fraud Hearing (Repealed)
- 121.82 Definition of Fraud (Renumbered)
- 121.83 Notification To Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
- 121.85 Court Imposed Disqualification (Renumbered)
- 121.90 Monthly Reporting and Retrospective Budgeting (Repealed)
- 121.91 Monthly Reporting (Repealed)
- 121.92 Budgeting
- 121.93 Issuance of Food Stamp Benefits
- 121.94 Replacement of the EBT Card or Food Stamp Benefits
- 121.95 Restoration of Lost Benefits
- 121.96 Uses For Food Coupons
- 121.97 Supplemental Payments
- 121.98 Client Training for the Electronic Benefits Transfer (EBT) System
- 121.105 State Food Program (Repealed)
- 121.107 New State Food Program
- 121.108 Transitional Food Stamp (TFS) Benefits
- 121.120 Redetermination of Eligibility
- 121.125 Redetermination of Earned Income Households
- 121.130 Residents of Shelters for Battered Women and their Children
- 121.131 Fleeing Felons and Probation/Parole Violators
- 121.135 Incorporation By Reference
- 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
- 121.145 Quarterly Reporting (Repealed)

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

- 121.150 Definition of Intentional Violations of the Program
- 121.151 Penalties for Intentional Violations of the Program
- 121.152 Notification To Applicant Households
- 121.153 Disqualification Upon Finding of Intentional Violation of the Program
- 121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

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Section

121.160	Persons Required to Participate
121.162	Program Requirements
121.163	Vocational Training
121.164	Orientation (Repealed)
121.165	Community Work
121.166	Assessment and Employability Plan (Repealed)
121.167	Counseling/Prevention Services
121.170	Job Search Activity
121.172	Basic Education Activity
121.174	Job Readiness Activity
121.176	Work Experience Activity
121.177	Illinois Works Component (Repealed)
121.178	Job Training Component (Repealed)
121.179	JTPA Employability Services Component (Repealed)
121.180	Grant Diversion Component (Repealed)
121.182	Earnfare Activity
121.184	Sanctions for Non-cooperation with Food Stamp Employment and Training
121.186	Good Cause for Failure to Cooperate
121.188	Supportive Services
121.190	Conciliation
121.200	Types of Claims (Recodified)
121.201	Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202	Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
121.206	Determination of Monthly Allotment Reductions (Recodified)
121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208	Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)
121.222	Volunteer Community Work Component (Repealed)

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- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690,

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effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150

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days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a

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maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 121.23 Work Registration/Participation Requirements

- a) All nonexempt adults who are eligible members of a food stamp household shall register for employment, participate in an employment and training program and accept suitable employment. Compliance with this requirement is a prerequisite to certification and program benefits shall not be granted conditionally prior to registration by nonexempt household members. However, under expedited

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services, the applicant must register but registration of other members may be postponed.

- b) All nonexempt individuals must register in the following circumstances:
- 1) prior to initial certification;
 - 2) for a new household member, prior to addition to the case;
 - 3) once every 12 months; and
 - 4) when as a result of a change which the household is required to report, a member loses exempt status. (See 89 Ill. Adm. Code 102.50(c).)
- c) Registration with the Food Stamp Employment and Training Program (FSE&T) for General Assistance (GA) purposes shall meet the food stamp work registration requirement for nonexempt City of Chicago GA/Food Stamp applicants and recipients.
- d) Participation in TANF work and training activities shall meet the food stamp work registration requirement.
- e) Registration with a Refugee Placement Agency or Illinois Job Service for Refugee Assistance/Food Stamp recipients shall meet the food stamp work registration requirements.
- f) Each household member who is required to register for employment is also required to:
- 1) participate in an employment and training program, if assigned by FSE&T, in accordance with Section 121.162 or participate in a TANF work and training program in accordance with 89 Ill. Adm. Code 112.72;
 - 2) respond to requests for supplemental information regarding employment status or availability for work;
 - 3) report to employers to whom referred;
 - 4) accept a bona fide offer of suitable employment (see Section 121.28(b) for

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a definition of "suitable employment"); and

- 5) cooperate with the work requirements of FSE&T. (See 89 Ill. Adm. Code 121.160 through 121.190.)

(Source: Amended at 32 Ill. Reg. 2813, effective February 7, 2008)

Section 121.24 Individuals Exempt From Work Registration Requirements

- a) Individuals receiving TANF who are required to participate in the TANF work and training program in accordance with 89 Ill. Adm. Code 112.71 and 112.72 are not exempt from food stamp work registration requirements unless they have a child under age six. ~~The individuals listed below are exempt from work registration requirements but may, if they wish, voluntarily register for employment:~~
- b) Individuals not receiving TANF who are listed below are exempt from food stamp work registration requirements, but may, if they wish, voluntarily register:
 - 1a) ineligible household members;
 - 2b) parent or other household member having responsibility for the care of a dependent child or children under age six or the care of an incapacitated person or persons;
 - 3e) persons under age 16 or age 60 or over;
 - 4d) a person age 16 or 17 who is not the primary wage earner or is attending school or enrolled in a training program on at least a half-time basis;
 - 5e) a person who is temporarily ill or chronically ill;
 - A4) A person is temporarily ill, when determined by the local office, on the basis of medical evidence (for example, statement from a medical provider) or on another sound basis that the illness or injury is serious enough to temporarily prevent the person from engaging in employment or participating in FSE&T. Minor ailments and injuries such as colds, broken fingers or rashes are not serious enough, normally, to exempt the individual under this

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criterion. A sound basis for exemption from FSE&T on a temporary basis includes, but is not limited to:

- iA) the observation of a cast on a broken leg; or
- iiB) information, provided by the client, of a scheduled surgery or recuperation from surgery;
- B2) A person is chronically ill, as determined by the local office, when a physician or licensed or certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the person from engaging in employment or participating in FSE&T;
- C3) When a person is determined either temporarily or chronically ill, the exemption shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or when a review of the case will be reevaluated to determine whether the exempted person continues to be exempt under the same procedures as for the initial determination of exemption, with appropriate notice to the person that a reevaluation is necessary.
- 6f) any drug addict or alcoholic who regularly participates in a drug or alcoholic treatment and rehabilitation program;
- 7g) persons who are engaged in gainful employment, employed or self-employed at least 30 hours per week or receiving weekly earnings equivalent to or greater than the Federal Minimum Wage (\$~~5.15~~4.75 per hour) multiplied by 30 hours and migrant and seasonal farm-workers under a contract to begin employment within 30 days after application;
- 8h) persons receiving Unemployment Insurance (UI) or who have applied for UI if required to register for Job Service as part of the UI application process;
- 9i) students enrolled at least half-time in any recognized:

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- ~~A1~~) school;
 - ~~B2~~) training program; or
 - ~~C3~~) institution of higher education and who have met one of the eligibility requirements set forth in Section 121.75(a);
- 10j) is a person enrolled full-time as a VISTA volunteer under Title I of the 1973 Domestic Volunteer Services Act, if the individual was receiving financial assistance or food stamps at the time he or she joined VISTA. Persons enrolled full-time under Title II of the 1973 Domestic Volunteer Services Act as senior health aide, foster grandparent s, senior companions or persons serving in the Senior Corps of Retired Executives (SCORE) and Active Corps of Executive (ACE), etc., are exempt.

(Source: Amended at 32 Ill. Reg. 2813, effective February 7, 2008)

Section 121.26 Period of Sanction

- a) If an individual fails to comply with work registration requirements (Section 121.23), or fails to comply with the FSE&T program requirements (Section 121.184), or fails to comply with TANF work and training requirements (89 Ill. Adm. Code 112.72), or voluntarily quits a job or reduces work hours (Section 121.27), a 3 month sanction~~sanctions~~ shall be imposed on that individual. as follows:
- ~~1) two months for the first violation;~~
 - ~~2) four months for the second violation; and~~
 - ~~3) six months for each additional violation.~~
- b) The period of sanction may end early if:
- 1) the individual becomes exempt from the requirements; or
 - 2) the individual is no longer a household member. However, if the individual becomes part of another household, the remainder of that sanction period will still be in effect, and that individual's income will be

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calculated for the new household in accordance with Section 121.73.

- c) Participation may be resumed following the end of the last fiscal month of the sanction period if:
 - 1) an application is filed (if the case was canceled as a result of the sanction), or a request is made to add the individual to an active case (if the case remained eligible when the individual was sanctioned); and
 - 2) the individual complies with the program requirements for which the individual was sanctioned; and
 - 3) all other eligibility requirements are met.
- d) For individuals in GA/FS households who are sanctioned for failure to cooperate with comparable requirements of FSE&T, the food stamp sanction period does not have to coincide with the GA sanction period.

(Source: Amended at 32 Ill. Reg. 2813, effective February 7, 2008)

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- 1) Heading of the Part: Non-Home Rule Municipal Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 693
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
693.101	Amendment
693.130	Amendment
- 4) Statutory Authority: 65 ILCS 5/8-11-1.1, 65 ILCS 5/8-11-1.3
- 5) Effective Date of Amendments: February 8, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 31 Ill. Reg. 13715; October 5, 2007
- 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 agreement letter issued by JCAR? No changes were made.
- 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: This rulemaking implements Public Act 94-679 which increased the maximum rate at which the Non-Home Rule Municipal Retailers' Occupation Tax and the Non-Home Rule Municipal Service Occupation Tax may be imposed by a non-home rule municipality from 0.5% to 1%. It also implements Public Act 92-739 which (i) changed the deadline for filing ordinances with the Department of Revenue that impose, change, or discontinue the tax and (ii) allowed expenditure of the tax revenues for property tax relief.

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

Samuel J. Moore
Associate Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

217/782-2844

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 693

NON-HOME RULE MUNICIPAL RETAILERS' OCCUPATION TAX

Section

693.101	Nature of the Non-Home Rule Municipal Retailers' Occupation Tax
693.105	Registration and Returns
693.110	Claims to Recover Erroneously Paid Tax
693.115	Jurisdictional Questions
693.120	Retailers' Occupation Tax Regulations
693.125	Penalties, Interest and Procedures
693.130	<u>Ordinance Filing Deadlines; When Tax Rate Change Applies</u> Effective Date

AUTHORITY: Implementing the Non-Home Rule Municipal Retailers' Occupation Tax Act [65 ILCS 5/8-11-1.3] and authorized by Section 2505-15 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-15].

SOURCE: Adopted at 24 Ill. Reg. 17831, effective November 28, 2000; amended at 32 Ill. Reg. 2829, effective February 8, 2008.

Section 693.101 Nature of the Non-Home Rule Municipal Retailers' Occupation Tax

- a) Authority to Impose Tax
- On and after January 1, 2002, the corporate authorities of a non-home rule municipality are authorized by the Non-Home Rule Municipal Retailers' Occupation Tax Act [65 ILCS 5/8-11-1.3] to impose the Non-Home Rule Municipal Retailers' Occupation Tax on all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property that is titled and registered by an agency of this State's government, at retail in the municipality on the gross receipts from sales made in the course of the business within the municipality, if a proposition for the tax has been submitted to the electors of that municipality and approved by a majority of those voting on the question. If imposed, the tax shall ~~only~~ be imposed at a rate of not more than, through December 31, 2005, 1/2 of 1%, and, beginning on January 1, 2006, 1%, for expenditure on public infrastructure or property tax relief or both as defined in Section 8-11-1.2 of the Illinois Municipal Code. The tax may not be imposed on the sale of food for human consumption that is to be consumed off the premises

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where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics. The tax imposed by the corporate authorities under the Non-Home Rule Municipal Retailers' Occupation Tax Act and this Part, and all civil penalties that may be assessed as an incident of that Act or this Part, may be imposed only in ¼% increments and shall be collected and enforced by the Illinois Department of Revenue (Department).

- b) **Passing on the Tax**
The legal incidence of the Non-Home Rule Municipal Retailers' Occupation Tax is on the seller. Nevertheless, the General Assembly has authorized persons subject to any tax imposed pursuant to the authority granted in the Non-Home Rule Municipal Retailers' Occupation Tax Act to reimburse themselves for their Non-Home Rule Municipal Retailers' Occupation Tax liability by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that sellers are required to collect under the Use Tax Act [35 ILCS 105], pursuant to the bracket schedules the Department has prescribed (see 86 Ill. Adm. Code 150.Table A).
- c) **Exclusion from "Gross Receipts"**
Any amount added to the selling price of tangible personal property by the seller because of a Non-Home Rule Municipal Retailers' Occupation Tax, or because of the Illinois Retailers' Occupation Tax [35 ILCS 120], the Illinois Use Tax [35 ILCS 105], the Metro East Mass Transit District Retailers' Occupation Tax [70 ILCS 3610/5.01], the Regional Transportation Authority Retailers' Occupation Tax [70 ILCS 3615/4.03] or the County Water Commission Retailers' Occupation Tax [70 ILCS 3720/4(b)], and collected from the purchaser, shall not be regarded as a part of the seller's gross receipts that are subject to the Non-Home Rule Municipal Retailers' Occupation Tax.

(Source: Amended at 32 Ill. Reg. 2829, effective February 8, 2008)

Section 693.130 Ordinance Filing Deadlines; When Tax Rate Change Applies Effective Date

- a) For enforcement of the Non-Home Rule Municipal Retailers' Occupation Tax on January 1, 2002, an ordinance or resolution imposing the tax shall be adopted and a certified copy filed with the Department no earlier than October 2, 2000 and no

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later than October 1, 2001. After the filing, the Department shall proceed to administer and enforce the ordinance or resolution as of the first day of January 2002. Thereafter, until October 1, 2002, an ordinance or resolution imposing or discontinuing the Non-Home Rule Municipal Retailers' Occupation Tax shall be adopted and a certified copy filed with the Department on or before the first day of October. After the filing, the Department shall proceed to administer and enforce the ordinance or resolution as of the first day of January next following the adoption and filing. Beginning October 1, 2002, an ordinance or resolution imposing or discontinuing the tax or effecting a change in the rate of tax must:

- 1) be adopted and a certified copy of the ordinance or resolution filed with the Department on or before the first day of April, whereupon the Department shall proceed to administer and enforce the ordinance as of the first day of July next following the adoption and filing; or
 - 2) be adopted and a certified copy of the ordinance or resolution filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce the ordinance as of the first day of January next following the adoption and filing.
- b) For purposes of determining which tax rate applies, the date of the sale is deemed to be the date of the delivery of the property.

(Source: Amended at 32 Ill. Reg. 2829, effective February 8, 2008)

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- 1) Heading of the Part: Non-Home Rule Municipal Service Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 694
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
694.101	Amendment
694.130	Amendment
- 4) Statutory Authority: 65 ILCS 5/8-11-1.1, 65 ILCS 5/8-11-1.4
- 5) Effective Date of Amendments: February 8, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 31 Ill. Reg. 13720; October 5, 2007
- 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 agreement letter issued by JCAR? No changes were made.
- 13) Will these amendments replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking implements Public Act 94-679 which increased the maximum rate at which the Non-Home Rule Municipal Retailers' Occupation Tax and the Non-Home Rule Municipal Service Occupation Tax may be imposed by a non-home rule municipality from 0.5% to 1%. It also implements Public Act 92-739 which (i) changed the deadline for filing with the Department of Revenue ordinances that impose, change, or discontinue the tax and (ii) allowed expenditure of the tax revenues for property tax relief.

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NOTICE OF ADOPTED AMENDMENTS

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

Samuel J. Moore
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The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 694

NON-HOME RULE MUNICIPAL SERVICE OCCUPATION TAX

Section

694.101	Nature of the Non-Home Rule Municipal Service Occupation Tax
694.105	Registration and Returns
694.110	Claims to Recover Erroneously Paid Tax
694.115	Jurisdictional Questions
694.120	Service Occupation Tax Regulations
694.125	Penalties, Interest and Procedures
694.130	<u>Ordinance Filing Deadlines; When Tax Rate Change Applies</u> Effective Date

AUTHORITY: Implementing the Non-Home Rule Municipal Service Occupation Tax Act [65 ILCS 5/8-11-1.4] and authorized by Section 2505-15 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-15].

SOURCE: Adopted at 24 Ill. Reg. 17839, effective November 28, 2000; amended at 32 Ill. Reg. 2834, effective February 8, 2008.

Section 694.101 Nature of the Non-Home Rule Municipal Service Occupation Tax

- a) Authority to Impose Tax
- On and after January 1, 2002, the corporate authorities of a non-home rule municipality are authorized by the Non-Home Rule Municipal Service Occupation Tax Act [65 ILCS 5/8-11-1.4] to impose the Non-Home Rule Municipal Service Occupation Tax on all persons engaged in the business of making sales of service in the municipality, if a proposition for the tax has been submitted to the electors of that municipality and approved by a majority of those voting on the question. If imposed, the tax shall ~~only~~ be imposed at a rate of not more than, through December 31, 2005, ½ of 1%, and, beginning on January 1, 2006, 1%, of the selling price of all tangible personal property transferred by the servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service for expenditure on public infrastructure or property tax relief or both as defined in Section 8-11-1.2 of the Illinois Municipal Code. The tax may not be imposed on the sale of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic

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beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics. The tax imposed by the corporate authorities under the Non-Home Rule Municipal Service Occupation Tax Act and this Part, and all civil penalties that may be assessed as an incident of that Act and this Part, may be imposed only in ¼% increments and shall be collected and enforced by the Illinois Department of Revenue (Department).

- b) **Passing on the Tax**
The legal incidence of the Non-Home Rule Municipal Service Occupation Tax is on the serviceman. Nevertheless, the General Assembly has authorized persons subject to any tax imposed pursuant to the authority granted in the Non-Home Rule Municipal Service Occupation Tax Act to reimburse themselves for their Non-Home Rule Municipal Service Occupation Tax liability by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which servicemen are required to collect under the Service Use Tax Act [35 ILCS 110], pursuant to the bracket schedules the Department has prescribed (see 86 Ill. Adm. Code 150.Table A).
- c) **Exclusion from "SellingCost Price"**
Any amount added by a serviceman to the selling price of tangible personal property as an incident to service because of a Non-Home Rule Municipal Service Occupation Tax, or because of the Illinois Service Occupation Tax [35 ILCS 115], the Illinois Use Tax [35 ILCS 105], the Metro East Mass Transit District Service Occupation Tax [70 ILCS 3610/5.01], the Regional Transportation Authority Service Occupation Tax [70 ILCS 3615/4.03] or the County Water Commission Service Occupation Tax [70 ILCS 3720/4(c)], shall not be regarded as a part of the selling price that is subject to the Non-Home Rule Municipal Service Occupation Tax.

(Source: Amended at 32 Ill. Reg. 2834, effective February 8, 2008)

Section 694.130 Ordinance Filing Deadlines; When Tax Rate Change AppliesEffective Date

- a) For enforcement of the Non-Home Rule Municipal Service Occupation Tax on January 1, 2002, an ordinance or resolution imposing the tax shall be adopted and a certified copy filed with the Department no earlier than October 2, 2000 and no

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later than October 1, 2001. After the filing the Department shall proceed to administer and enforce the ordinance or resolution as of the first day of January 2002. Thereafter, until October 1, 2002, an ordinance or resolution imposing or discontinuing the Non-Home Rule Municipal Service Occupation Tax shall be adopted and a certified copy filed with the Department on or before the first day of October. After the filing the Department shall proceed to administer and enforce the ordinance or resolution as of the first day of January next following the adoption and filing. Beginning October 1, 2002, an ordinance or resolution imposing or discontinuing the tax or effecting a change in the rate of tax must:

- 1) be adopted and a certified copy of the ordinance or resolution filed with the Department on or before the first day of April, whereupon the Department shall proceed to administer and enforce the ordinance as of the first day of July next following the adoption and filing; or
 - 2) be adopted and a certified copy of the ordinance or resolution filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce the ordinance as of the first day of January next following the adoption and filing.
- b) For purposes of determining which tax rate applies, the date of the sale of service is deemed to be the date of the delivery, to the user, of the tangible personal property that the serviceman retransfers as an incident to service.

(Source: Amended at 32 Ill. Reg. 2834, effective February 8, 2008)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 5, 2008 through February 11, 2008 and have been scheduled for review by the Committee at its March 11, 2008 meeting. 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>
3/20/08	<u>Department of Revenue, Income Tax (86 Ill. Adm. Code 100)</u>	12/21/07 31 Ill. Reg. 16695	3/11/08
3/23/08	<u>Illinois Emergency Management Agency, Licensing of Radioactive Materials (32 Ill. Adm. Code 330)</u>	10/5/07 31 Ill. Reg. 13513	3/11/08

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF AGREEMENT TO MEET THE RECOMMENDATION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Action:</u>
310.40	Amendment
310.47	Amendment
310.110	Amendment
310.130	Amendment
310.220	Amendment
310.260	Amendment
310.290	Amendment
310.295	Amendment
310.410	Amendment
310.490	Amendment
310.APPENDIX A TABLE O	Amendment
310.APPENDIX B	Amendment
310.APPENDIX D	Amendment
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: November 2, 2007; 31 Ill. Reg. 14619
- 5) Date JCAR Statement of Recommendation to Proposed Amendments Published in the Illinois Register: January 25, 2008; 32 Ill. Reg. 1165
- 6) Summary Action Taken by the Agency: The Department of Central Management Services agrees that, in the future, CMS will be timelier in adopting rulemakings so that the rule is in effect before the provisions contained in the rule are applied.

CMS apologizes for the proposed rulemaking at 31 Ill. Reg. 14619 being adopted so close to its full application. The notice of adoption was filed January 11, 2008. While the provisions of the rulemaking were applied for employees' work done beginning January 1, 2008, the rates in the provisions were not applied to the work until the end of the first (A) pay period in January, which was January 15, 2008.

PROCLAMATIONS

2008-27**AMBUCS Appreciation Month (Revised)**

WHEREAS, AMBUCS is a national service organization composed of a diverse group of men and women who are dedicated to fostering mobility and independence for those with disabilities; and

WHEREAS, AMBUCS was founded in Birmingham, Alabama in 1922. Their founder and honorary first National President is William L. White; and

WHEREAS, AMBUCS headquarters are at the AMBUCS Resource Center in High Point, North Carolina. Prior to that location, the headquarters was in Danville, Illinois, which chartered in 1925; and

WHEREAS, today, there are more than 6,000 AMBUCS members throughout the country who administer wonderful programs such as AMBUCS Scholars. Since its inception, the AMBUCS Scholars program has provided over \$6 million to educate physical and occupational therapists; and

WHEREAS, another AMBUCS program, AmBility, supports a variety of projects, including the distribution of therapeutic bicycles to children with disabilities, and ramp construction to make homes and businesses more accessible for the disabled; and

WHEREAS, in addition to those programs, there are 15 AMBUCS chapters in Illinois, with 682 members, that also partner with Easter Seals, Special Olympics, and other terrific organizations to broaden their services. Every year Illinois AMBUCS members freely contribute thousand of hours of community service and hundreds of thousands of dollars in financial support; and

WHEREAS, during the month of February, the national organization will recognize all AMBUCS chapters and members for their commitment and dedication to helping those with disabilities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2008 as **AMBUCS APPRECIATION MONTH** in Illinois in recognition of AMBUCS chapters and members for their noble and worthy service to the community.

Issued by the Governor January 31, 2008

Filed by the Secretary of State February 8, 2008

2008-30

PROCLAMATIONS

National Day of Prayer

WHEREAS, in times of peril both at home and abroad, many American citizens turn to prayer for help and guidance; and

WHEREAS, millions of men and women across the nation gratefully continue the tradition of prayer in churches, synagogues, temples, mosques, and other houses of worship across our country; and

WHEREAS, established in 1952 by an act of Congress, the National Day of Prayer is now observed nationally every year on the first Thursday in May; and

WHEREAS, the National Day of Prayer is a celebration of American citizens' freedom of religion, set forth in the First Amendment. Americans treasure their religious freedom, which embraces the many diverse communities of faith that have infused our society and our cultural heritage over more than two centuries; and

WHEREAS, the theme for the National Day of Prayer 2008 is "Prayer! America's Strength and Shield" inspired by the passage found in Psalm 28:7, which declares, "The Lord is my strength and shield; my heart trusts in him and I am helped.";

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1, 2008 as **NATIONAL DAY OF PRAYER** in Illinois.

Issued by the Governor February 4, 2008

Filed by the Secretary of State February 8, 2008

2008-31**Motorcycle Awareness Month**

WHEREAS, Illinois is a national leader in motorcycle education and safety; and

WHEREAS, sharing a roadway is where motorist awareness starts. The Illinois Department of Transportation urges all motor vehicle drivers to expect to see more motorcyclists riding in traffic in spring and summer months and to respect that they rightfully enjoy the same access to the roads as other traffic; and

WHEREAS; the Illinois Department of Transportation has been conducting the Illinois Cycle Rider Safety Training program since 1976; and

PROCLAMATIONS

WHEREAS, the program is supported by state motorcycle registration fees and has been responsible for training more than 255,000 cyclists; and

WHEREAS, better rider education, licensing, and public awareness lead to safer motorcycling:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2008 as **MOTORCYCLE AWARENESS MONTH** in Illinois, and encourage all drivers to help keep our roadways safe through proper motorist awareness.

Issued by the Governor February 4, 2008

Filed by the Secretary of State February 8, 2008

2008-32**Arts in Education Spring Celebration Months**

WHEREAS, arts are the personification of beauty in the world, and help to preserve our cultural heritage; and

WHEREAS, the State of Illinois recognizes that arts education, which includes dance, drama, music and visual arts, plays an essential role in the education of all students, providing them with a balanced education that will aid in developing their full potential; and

WHEREAS, the Peoria County Regional Office of Education is committed to the establishment and continuation of school programs that provide students with the opportunity to achieve academic excellence; and furthermore, they are committed to supporting the development and promotion of fine and applied arts programs; and

WHEREAS, winner of several awards, the Arts in Education Spring Celebration, an annual event, is held at the Peoria County Courthouse Plaza and provides a venue for students in grades pre-Kindergarten through 12 to showcase their works and talents; and

WHEREAS, this year, the Arts in Education Spring Celebration will be held April 14th through May 23rd; and

WHEREAS, the State of Illinois resolutely supports events such as the Arts in Education Spring Celebration, and commends the students and teachers who work to bring the beauty of art to this great state:

PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April and May 2008 as **ARTS IN EDUCATION SPRING CELEBRATION MONTHS** in Illinois in recognition of the benefits of arts programs in our schools.

Issued by the Governor February 4, 2008

Filed by the Secretary of State February 8, 2008

2008-33**Certified Athletic Trainers Month**

WHEREAS, the State of Illinois recognizes certified athletic trainers as an integral part of our health care system, providing quality care and injury prevention for the physically active; and

WHEREAS, Illinois certified athletic trainers are trained and responsible individuals whose duties include the prevention, evaluation, treatment and rehabilitation of injuries caused during physical activities or athletics; and

WHEREAS, the certified athletic trainer has become a vitally important part of health care in this country. Athletic trainers are employed in a wide range of settings, such as professional sports, colleges and universities, high schools, clinics and hospitals, corporate and industrial settings and military branches. The more than 31,000 members of the athletic training profession employed in these settings are represented and supported by the National Athletic Trainers Association; and

WHEREAS, due to the proven success rates of certified athletic trainers in Illinois, more people are partaking in physical activities with the knowledge that if they do become injured, there are quality trainers who can assist with rehabilitation; and

WHEREAS, leading organizations concerned with athletic training and health care have joined together in a common desire to raise public awareness of the importance of the athletic training profession and to emphasize the importance of quality healthcare for athletes and those engaged in physical activity:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2008 as **CERTIFIED ATHLETIC TRAINERS MONTH** in Illinois in recognition of athletic trainers' commitment to providing quality care and injury prevention to the physically active and for the vital role that they play in health care in this country.

Issued by the Governor February 5, 2008

Filed by the Secretary of State February 8, 2008

PROCLAMATIONS

2008-34**Save Abandoned Babies Day**

- WHEREAS, signed into law in August 2001, the Illinois Abandoned Newborn Protection Act allows parents to relinquish a newborn infant to personnel at a local hospital, police station, fire station, or emergency medical facility anonymously and free from prosecution; and
- WHEREAS, relinquished babies then may become custody of the state and are placed in a responsible and nurturing safe haven; and
- WHEREAS, the Illinois Abandoned Newborn Protection Act provides a safe alternative to abandonment for Illinois parents who feel they cannot cope with the responsibility of caring for a newborn baby; and
- WHEREAS, it is the hope of the State of Illinois that as awareness of this Act increases, it will stop the abandonment of newborn infants, a practice that has led to healthy babies being found harmed, deceased or in unsafe places; and
- WHEREAS, since the signing of the Illinois Abandoned Newborn Protection Act, 40 newborn babies have been safely relinquished in Illinois pursuant to this Act, but in that same time frame, newborn infants continue to be unsafely relinquished; and
- WHEREAS, the Illinois Abandoned Newborn Protection Act is a critical statute in the State of Illinois, as it affords the chance of a better life for abandoned newborn babies, but continued public awareness of the Act is necessary to fulfill the goals of protecting all newborn infants and providing parents with a responsible and safe mechanism to relinquish a newborn infant:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 8, 2008 as **SAVE ABANDONED BABIES DAY** in Illinois, and encourage all citizens to recognize the importance of protecting abandoned infants and giving them the proper care they deserve.

Issued by the Governor February 5, 2008

Filed by the Secretary of State February 8, 2008

2008-35**Medical Biller's Day**

PROCLAMATIONS

WHEREAS, medical billers play an integral part in the healthcare industry and provide much needed services to doctors and other healthcare providers; and

WHEREAS, healthcare providers increasingly rely on billing companies to assist them in processing claims in accordance with applicable statutes and regulations. Additionally, providers also consult with billing companies for advice on reimbursement matters, as well as overall business decision-making; and

WHEREAS, medical billers can offer expertise in program reimbursement requirements, help ensure that claims are accurately prepared, and free physicians and other practitioners to devote their full energies to the care of their patients; and

WHEREAS, medical billers strive to provide the highest possible level of ethical and lawful conduct throughout the entire healthcare industry; and

WHEREAS, medical billers continue to influence the billing process in a positive and credible manner:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 27, 2008 as **MEDICAL BILLER'S DAY** in Illinois in recognition of the important role medical billers play in the healthcare system.

Issued by the Governor February 5, 2008

Filed by the Secretary of State February 8, 2008

2008-36
FFA Week

WHEREAS, agriculture is Illinois' largest and most productive industry, and is vital to the economic success and future prosperity of the State; and

WHEREAS, agricultural education prepares students for careers in agriculture in order to ensure the continued success of this important industry; and

WHEREAS, FFA is the largest career and technical student organization in Illinois, preparing more than 17,000 students for premier leadership, personal growth and, career success. Each member in Illinois' 301 chapters has demonstrated their interest in the field of agriculture and developed hands-on training in science, business and technology through agricultural education; and

PROCLAMATIONS

WHEREAS, the Illinois Association FFA has positively influenced the lives of rural and urban FFA members, parents, educators, and business and community leaders; and

WHEREAS, eighty years of positive FFA influence have benefited over one millions Illinois students; and

WHEREAS, the 2008 state theme, "Operation Excellence", to signify the past, present and future achievements of the youth involved in agriculture is a fitting tribute to the FFA's terrific efforts within Illinois and across the country; and

WHEREAS, a week in February has been designated as National FFA Week throughout the United States, Puerto Rico and the Virgin Islands, and Illinois is proud to join in this spirited observance:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim the week of February 16-23, 2008 as **FFA WEEK** in Illinois, and encourage citizens to recognize and encourage agricultural education programs and students in Illinois, and support the ideals of the Illinois Association FFA.

Issued by the Governor February 6, 2008

Filed by the Secretary of State February 8, 2008

2008-37**Campus Fire Safety Month**

WHEREAS, fire education and prevention is vital to ensuring the safety of Americans and Illinoisans; and

WHEREAS, college students living on their own for the first time are particularly susceptible to the danger posed by fires; and

WHEREAS, since January of 2000, at least 125 children, students, and parents throughout the country have died in student housing fires, and almost 80 percent of those deaths occurred in off-campus occupancies where the majority of students live unsupervised; and

WHEREAS, most fires can be avoided by practicing some simple commonsense behaviors and routines, such as: checking and turning off the oven and stove before going to sleep or leaving home, not overloading electrical circuits, safely stowing all dangerous and hazardous materials, keeping any electrical devices clear of water,

PROCLAMATIONS

checking and maintaining alarm and sprinkler systems, and noting the location of fire extinguishers to use in the event of an emergency; and

WHEREAS, education significantly helps minimize the risk of fire by raising awareness of those behaviors and routines, but many students do not receive effective fire safety education during their college career when they are generally most at risk:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2008 as **CAMPUS FIRE SAFETY MONTH** in Illinois to encourage educators to provide educational programs on the dangers and prevention of fire as students begin and return to college.

Issued by the Governor February 6, 2008

Filed by the Secretary of State February 8, 2008

2008-38**National LULAC Week**

WHEREAS, 79 years ago, the founders of the League of United Latin American Citizens, better known as LULAC, joined together to establish an organization that would become the largest, oldest and most successful Hispanic civil rights and service organization in the United States; and

WHEREAS, since its inception on February 17, 1929 in Corpus Christi, Texas, LULAC has championed the cause for Hispanic Americans in education, housing, health, employment, economic development and civil rights: and

WHEREAS, LULAC has developed a comprehensive set of nationwide programs fostering educational attainment, job training, housing, health, scholarships, new technology, citizenship and voter registration; and.

WHEREAS, LULAC members throughout the nation have developed a tremendous track record of success in advancing the economic condition, educational attainment, political influence, health and civil rights of the Hispanic population of the United States; and

WHEREAS, LULAC has adopted a legislative platform that promotes humanitarian relief for immigrants, increased educational opportunities for our youth and equal treatment for all Hispanics in the United States and its territories including the Commonwealth of Puerto Rico; and

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WHEREAS, this year, the League of United Latin American Citizens will celebrate seventy-nine years of community service to increase educational opportunities and improve the quality of life for Hispanic Americans:

THEREFORE, I, Rod R. Blagojevich, Governor of Illinois, do hereby proclaim February 11-17, 2008 as **NATIONAL LULAC WEEK** in Illinois in recognition of the organization's seventy-nine years of service and the outstanding contributions LULAC has made to our state and country as a whole.

Issued by the Governor February 7, 2008

Filed by the Secretary of State February 8, 2008

2008-39**Night of 100 Stars Day**

WHEREAS, the DuSable Museum of African American History, the oldest independent institution of its kind in the country, is dedicated to the collection, preservation, interpretation and dissemination of the history and culture of Americans of African descent; and

WHEREAS, in 1992, the DuSable Museum culminated the celebration of its 30th Anniversary by instituting the African American HistoryMakers Awards; and

WHEREAS, the HistoryMakers Awards salute African American Chicagoans for their outstanding contributions to society through their professions and civic responsibilities. Honorees are inducted into the DuSable Museum's "Chicago African American HistoryMakers Gallery of Greats"; and

WHEREAS, this year's HistoryMakers include: Barbara Bowles, the first African American female equity manager, Dr. James E. Bowman, and expert in the fields of pathology and genetics, Rueben Cannon, the entertainment industry's first African American casting director, William Lamar, Jr., Chief Marketing Officer for McDonald's US, and James Lowry, management consultant and entrepreneur; and

WHEREAS, the 2008 Chicago African American HistoryMakers will be honored on February 16, 2008, during the "Night of 100 Stars – Chicago African American HistoryMakers Awards" gala:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 16, 2008 as **NIGHT OF 100 STARS DAY** in Illinois, and encourage all citizens to join in honoring this year's HistoryMakers.

PROCLAMATIONS

Issued by the Governor February 7, 2008
Filed by the Secretary of State February 8, 2008

2008-40**Illinois Poison Prevention Month**

WHEREAS, all citizens should be made aware of the ever-present dangers posed by potentially poisonous household substances; and

WHEREAS, children too often have access to commonly used drugs and medicines and to such potentially toxic household products such as cleaners, polishes, paint solvents, and antifreeze; and

WHEREAS, over the past 46 years, the nation has been observing Poison Prevention Week to call attention these hazards and how proper handling and disposal of these substances and proper use of safety packaging can help eliminate poisonings; and

WHEREAS, the Illinois Poison Center is a mainstay in the emergency medical care system of the state of Illinois and is recognized nationally for its contributions to poison treatment and prevention; and

WHEREAS, more than 50 percent of the more than 100,000 poisonings reported last year to the Illinois Poison Center involved children less than five years of age and could have been prevented:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2008 as **ILLINOIS POISON PREVENTION MONTH** in Illinois, and encourage all citizens to learn more about the Illinois Poison Center's prevention programs that alert citizens to the continuous problem of accidental poisonings and to encourage effective safeguards such as poison proofing as a deterrent to childhood poisonings.

Issued by the Governor February 7, 2008
Filed by the Secretary of State February 8, 2008

2008-41**American Red Cross Month**

WHEREAS, in 1881, the efforts of Clara Barton led to the establishment of the American Red Cross, and now for more than a century the American Red Cross has been at the

PROCLAMATIONS

forefront of helping Americans prevent, prepare and respond to large and small disasters; and

WHEREAS, since its inception, the American Red Cross has grown into an organization which is uniquely chartered by the United States Congress to act in times of need by providing assistance to persons afflicted by local, state, national or international disasters, as well as to assist American military personnel and their families; and

WHEREAS, American Red Cross chapters in Illinois responded to over 3,100 local emergencies, assisted over 11,000 military families, educated over 99,000 people in disaster preparedness and trained over 345,000 people in lifesaving skills such as First Aid, CPR, and Automated External Defibrillators; and

WHEREAS, the American Red Cross is committed to assuring a safe and adequate blood supply for Illinois and the entire nation by performing blood drives where volunteers are asked to donate so that blood is readily available when needed by members of our communities; and

WHEREAS, through its work, the American Red Cross, an enduring American institution, restores hope at home and throughout the world every day. Furthermore, the vital services of this humanitarian organization would not be possible without generous contributions from the American people:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2008 as **AMERICAN RED CROSS MONTH** in Illinois, and encourage all Illinois citizens to support the noble efforts of the American Red Cross by giving their time, money, or blood donations to this worthy organization so that it may continue to help our communities in time of need.

Issued by the Governor February 7, 2008

Filed by the Secretary of State February 8, 2008

2008-42**21st Annual Rita Hayworth Gala Benefiting the Alzheimer's Association Day**

WHEREAS, Alzheimer's disease is a complex, progressive disease where the affected individual begins to lose control of the part of their brain that regulates thought, memory, and language. The disease usually begins to appear in individuals over the age of 60, and the risk of acquiring it increases with age; and

PROCLAMATIONS

WHEREAS, approximately 4.5 million Americans suffer from Alzheimer's disease, including approximately 222,000 Illinoisans. Although it appears in older individuals, Alzheimer's is a condition in itself, and is not a normal part of the aging process; and

WHEREAS, established in 1980, the Alzheimer's Association is the leading national health organization dedicated to advancing Alzheimer's research and aid; and

WHEREAS, since its inception, the Alzheimer's Association has been the largest private sponsor of Alzheimer research, providing more than \$200 million in funding for hundreds of research studies; and

WHEREAS, the Alzheimer's Association is a proven authority on the issues that affect citizens with Alzheimer's disease and their families, serving as a voice for them in the capitals of every state, hundreds of U.S. congressional offices, and even the White House; and

WHEREAS, the Rita Hayworth Galas, held annually in New York and Chicago, are crucial fund-raising events that the Alzheimer's Association relies heavily on for financial support; and

WHEREAS, since 1985, the Rita Hayworth Galas have raised more than \$49 million in funds, with one hundred percent going directly to the Alzheimer's Association; and

WHEREAS, Princess Yasmin Aga Khan, the general chair of the Rita Hayworth Gala and the daughter of the late Rita Hayworth, has worked tirelessly over the years in supporting the advancement of critical Alzheimer's research. Her efforts have touched the lives of countless people throughout the country; and

WHEREAS, the Chicago Rita Hayworth Gala celebrates and honors medical research into the causes, treatment, prevention, and eventual cure of Alzheimer's disease:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 10, 2008 as **THE 21st ANNUAL RITA HAYWORTH GALA BENEFITING THE ALZHEIMER'S ASSOCIATION DAY** in Illinois and encourage all citizens to recognize the importance of continued research on this devastating disease.

Issued by the Governor February 7, 2008

Filed by the Secretary of State February 8, 2008

PROCLAMATIONS

National Salute to Hospitalized Veterans Week

- WHEREAS, in 1978, Veterans' Affairs (VA) took over sponsorship of a program, the annual VA National Salute program, which was started in 1974 by No Greater Love, Inc., a humanitarian organization; and
- WHEREAS, this program seeks to honor hospitalized veterans, increase community awareness of the VA's role in providing comprehensive medical care to the Nation's veterans, and to encourage Americans to visit hospitalized veterans and work as VA volunteers; and
- WHEREAS, through the generations, America's men and women in uniform have defeated tyrants, liberated continents, and set a standard of courage and idealism for the entire world; and
- WHEREAS, to protect the Nation they love, our veterans stepped forward when America needed them most. In answering history's call with honor, decency, and resolve, our veterans have shown the power of liberty and earned the respect and admiration of a grateful Nation; and
- WHEREAS, all of America's veterans have placed our Nation's security before their own lives, creating a debt that we can never fully repay. Our veterans represent the best of America, and they deserve the best America can give them; and
- WHEREAS, as we recall the service of our Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen, we are reminded that the defense of freedom comes with great loss and sacrifice; and
- WHEREAS, during the week of February 10th to 16th, local celebrities, youth groups, members of the general public, and veterans service organizations will visit patients at VA medical centers, nursing homes, state veterans homes, and other facilities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 10-16, 2008 as **NATIONAL SALUTE TO HOSPITALIZED VETERANS WEEK** in Illinois, and encourage all citizens to join in this worthy observance by volunteering their time or visiting Illinois veterans at VA medical centers or one of the state veterans' homes in Anna, Quincy, LaSalle or Manteno.

Issued by the Governor February 8, 2008
Filed by the Secretary of State February 8, 2008

PROCLAMATIONS

2008-44**National Cancer Registrars Week**

WHEREAS, chartered in May 1974, the National Cancer Registrars Association (NCRA) is a non-profit organization that represents more than 4,000 cancer registry professionals and Certified Tumor Registrars. The mission of NCRA is to promote education, credentialing, and advocacy for cancer registry professionals; and

WHEREAS, cancer registrars are healthcare professionals and data management experts that capture a complete summary of patient history, diagnosis, treatment, and status for every cancer patient in the United States, and other countries as well. This data is fundamental to the nation's cancer prevention and treatment efforts; and

WHEREAS, cancer registrars advocate at state and local levels on issues related to cancer surveillance and privacy of patient medical records. This year's theme is "Cancer Registrars...More than Just Statistics", and was chosen to acknowledge the vital role played by cancer registrars in the nation's response to public health challenges; and

WHEREAS, researchers working on epidemiological studies and public health officials developing cancer prevention programs use data collected by cancer registrars. Local and state data is also submitted to the National Cancer Database, a nationwide oncology outcomes database maintained by the American College of Surgeons that provides the basis for many patterns of care studies; and

WHEREAS, during the week of April 7-11, 2008, Cancer Registrars will be honored by observing National Cancer Registrars Week. This annual observance, organized by the National Cancer Registrars Association, honors their members and Cancer Registry professionals whose vision and core values are set in making a difference in the "war on cancer":

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 7-11, 2008 as **NATIONAL CANCER REGISTRARS WEEK** in Illinois, and encourage all citizens to recognize these healthcare professionals for their tireless work in the fight against cancer.

Issued by the Governor February 8, 2008

Filed by the Secretary of State February 8, 2008

2008-45

PROCLAMATIONS

Home Education Week

WHEREAS, the growth and development of school age children is of paramount importance in Illinois, and across the country; and

WHEREAS, Illinois values its children and recognizes the importance of providing them with the best education possible so that they may realize their fullest potential and experience success in their future endeavors; and

WHEREAS, Illinois presents children and families with the opportunity to explore alternatives to public and private schools by authorizing home education as a legitimate and viable educational option; and

WHEREAS, home education allows parents the opportunity to develop and implement a learning program based on their children's individual needs; and

WHEREAS, studies show that students who are educated at home typically score at or above the national average on standardized tests. Studies also confirm that children who are educated at home exhibit self-confidence and good citizenship, and are fully prepared academically to meet the challenges of today's society:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 6-12, 2008 as **HOME EDUCATION WEEK** in Illinois, and encourage all citizens to recognize the important role that home education plays in educating our children.

Issued by the Governor February 8, 2008

Filed by the Secretary of State February 8, 2008

2008-46**Estonian Independence Day**

WHEREAS, the Republic of Estonia gained independence in 1918 after withstanding centuries of Danish, Swedish, German and Russian rule, approving the country's first constitution in 1920; and

WHEREAS, joining the League of Nations in 1921, Estonia strived to maintain good relations with all nations, while dealing with numerous domestic issues, including an attempted coup d'etat by the Russian Bolsheviks and the gradual introduction of authoritarian rule; and

PROCLAMATIONS

WHEREAS, despite declaring themselves neutral at the outbreak of World War II, Estonia was forced to sign a mutual assistance pact with Moscow in 1939. At the end of the war, 282,000 Estonians had either died in combat, fled the country or been deported, reducing their population by a full quarter; and

WHEREAS, in 1940, Estonia was forcibly integrated into the Soviet Union, only to be occupied briefly by Germany during World War II, before the Soviets resumed control in 1944; and

WHEREAS, this forced occupation led to decades of repression, in which Estonians struggled to maintain their national identity, before finally coming to an end in 1991 with the collapse of the Soviet Union; and

WHEREAS, on September 2, 1991, the United States of America officially recognized Estonia's independence, and, by the end of 1991, approximately one hundred nations had also done so. However, it was not until 1994 that the last of the Russian troops evacuated the country, leaving Estonia free to re-establish their diplomatic relations with the world; and

WHEREAS, Americans of Estonian descent are exemplary citizens, who continue to uphold their rich cultural traditions, take pride in their history, promote human rights and seek self-determination for their homeland:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 24, 2008 as **ESTONIAN INDEPENDENCE DAY** in Illinois in recognition of the country's 90th Anniversary of Independence.

Issued by the Governor February 8, 2008

Filed by the Secretary of State February 8, 2008

ILLINOIS ADMINISTRATIVE CODE

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