

# 2009

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 33, Issue 19  
May 8, 2009  
Pages 6377-6591

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

**TABLE OF CONTENTS**

**May 8, 2009 Volume 33, Issue 19**

**PROPOSED RULES**

HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF  
Child Support Enforcement  
89 Ill. Adm. Code 160.....6377

NATURAL RESOURCES, DEPARTMENT OF  
White-Tailed Deer Hunting by Use of Firearms  
17 Ill. Adm. Code 650.....6409  
White-Tailed Deer Hunting by Use of Muzzleloading Rifles  
17 Ill. Adm. Code 660.....6430  
White-Tailed Deer Hunting by Use of Bow and Arrow  
17 Ill. Adm. Code 670.....6446  
Special White-Tailed Deer Season for Disease Control  
17 Ill. Adm. Code 675.....6468  
Late-Winter Deer Hunting Season  
17 Ill. Adm. Code 680.....6476  
Youth Hunting Seasons  
17 Ill. Adm. Code 685.....6484

**ADOPTED RULES**

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF  
Merit and Fitness  
80 Ill. Adm. Code 302.....6495  
Conditions of Employment  
80 Ill. Adm. Code 303.....6503

ENVIRONMENTAL PROTECTION AGENCY  
Procedures for Operation of the Potentially Infectious Medical Waste  
Transporter Fee System  
35 Ill. Adm. Code 1450.....6515

**EMERGENCY RULES**

STATE UNIVERSITIES RETIREMENT SYSTEM  
Universities Retirement  
80 Ill. Adm. Code 1600.....6525

**JOINT COMMITTEE ON ADMINISTRATIVE RULES STATEMENT OF  
RECOMMENDATION TO PROPOSED RULEMAKING**

ENVIRONMENTAL PROTECTION AGENCY  
Permit Fees for Installing or Extending Water Main  
35 Ill. Adm. Code 690.....6545

**JOINT COMMITTEE ON ADMINISTRATIVE RULES STATEMENT OF  
OBJECTION TO PROPOSED RULEMAKING**

PUBLIC HEALTH, DEPARTMENT OF  
Loan Repayment Assistance for Dentists  
77 Ill. Adm. Code 580.....6546

**JOINT COMMITTEE ON ADMINISTRATIVE RULES STATEMENT OF OBJECTION TO EMERGENCY RULEMAKING**

Temporary Assistance For Needy Families  
89 Ill. Adm. Code 112.....6547  
Aid to the Aged, Blind or Disabled  
89 Ill. Adm. Code 113.....6548  
General Assistance  
89 Ill. Adm. Code 114.....6549  
Refugee/Repatriate Program  
89 Ill. Adm. Code 115.....6550

**JOINT COMMITTEE ON ADMINISTRATIVE RULES WITHDRAWAL OF SUSPENSION OF PEREMPTORY RULE**

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
Medical Assistance Programs  
89 Ill. Adm. Code 120.....6551

**OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER**

REVENUE, DEPARTMENT OF  
2009 First Quarter Income Tax Sunshine Index.....6552

**SECOND NOTICES RECEIVED**

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
Second Notices Received.....6556

**EXECUTIVE ORDERS AND PROCLAMATIONS**

EXECUTIVE ORDERS  
Executive Order to Reduce the Environmental Impact of Illinois  
State Government Operations  
2009-11.....6558

PROCLAMATIONS  
Sandwich Generation Month  
2009-129.....6567  
National Water Safety Month  
2009-130.....6567  
Lincoln Pilgrimage Weekend  
2009-131.....6568  
Building Safety Week  
2009-132.....6569  
National Volunteer Week  
2009-133.....6570  
Exceptional Children's Week  
2009-134.....6571  
National Exercise is Medicine Month  
2009-135.....6572  
National Women's Health Week  
2009-136.....6572

Lion and Lioness Tootsie Pop Day	
2009-137.....	6573
Lions Candy Day	
2009-138.....	6574
Elgin Community College Day	
2009-139.....	6574
Childhood Drowning Prevention Month	
2009-140.....	6576
National Healthcare Decisions Day	
2009-141.....	6577
A Day of Remembrance for the Law Enforcement Officers Having Served and Currently Serving the Communities of the Quad Cities	
2009-142.....	6578
Community Health Center Week	
2009-143.....	6579
Illinois Rescue and Restore Outreach Day	
2009-144.....	6580
Corporal Jason G. Pautsch	
2009-145.....	6581
Service Awareness Day	
2009-146.....	6581
Children's Interstitial Lung Disease Awareness Week	
2009-147.....	6583
Foster Parent Appreciation Month	
2009-148.....	6584
Brain Tumor Awareness Month	
2009-149.....	6584
National Transportation Week	
2009-150.....	6585
Women in Transportation Day	
2009-151.....	6586
The Year of the Engaged Older Adult	
2009-152.....	6587
Lions Walk For Sight Days	
2009-153.....	6589
National Senior Health and Fitness Day	
2009-154.....	6589
Assistive Technology Awareness Month	
2009-155.....	6590

## 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.].

### ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2009

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 22, 2008	January 2, 2009
2	December 29, 2008	January 9, 2009
3	January 5, 2009	January 16, 2009
4	January 12, 2009	January 23, 2009
5	January 20, 2009	January 30, 2009
6	January 26, 2009	February 6, 2009
7	February 2, 2009	February 13, 2009
8	February 9, 2009	February 20, 2009
9	February 17, 2009	February 27, 2009
10	February 23, 2009	March 6, 2009
11	March 2, 2009	March 13, 2009
12	March 9, 2009	March 20, 2009
13	March 16, 2009	March 27, 2009
14	March 23, 2009	April 3, 2009
15	March 30, 2009	April 10, 2009
16	April 6, 2009	April 17, 2009
17	April 13, 2009	April 24, 2009
18	April 20, 2009	May 1, 2009
19	April 27, 2009	May 8, 2009
20	May 4, 2009	May 15, 2009
21	May 11, 2009	May 22, 2009
22	May 18, 2009	May 29, 2009
23	May 26, 2009	June 5, 2009

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3) Section Number: 160.70                      Proposed Action:  
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This rulemaking allows the Department to collect any additional debt from a non-custodial parent that accrues after an advance notice is sent. Currently, the past-due amount for offset from income tax refunds was stated on the notice, and the State could only take up to that amount. The advance notice will henceforth apprise the non-custodial parent that any further debt that accumulates after the notice is sent is subject to collection without any further additional notice. This change brings child support collection efforts into compliance with final rules affecting child support enforcement (45 CFR 303) that were published in the December 29, 2008 issue of the Federal Register, pages 74898-74921, and that provide states the option to apply federal income tax offset to any child support that comes due after the original advance notice of the offset was sent to the non-custodial parent. The final rules implement provisions of title IV-D of the Social Security Act (the Act) as amended by the Deficit Reduction Act of 2005 (Public Law 109-171), specifically section 454(34) of the Act.
- 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

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
160.60	Amendment	33 Ill. Reg. 3030; February 13, 2009
160.65	Amendment	33 Ill. Reg. 3030; February 13, 2009

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 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: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Tamara Tanzillo Hoffman  
Chief of Staff  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue E., 3<sup>rd</sup> Floor  
Springfield IL 62763-0002

217/557-7157

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

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

- 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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 14) Regulatory Agenda on which this Rulemaking was Summarized: This rulemaking amendments was not included on either of the two most recent agendas because: it was not anticipated by the Department when the most recent regulatory agendas were published.

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section

- 160.1 Incorporation by Reference
- 160.5 Definitions
- 160.10 Child Support Enforcement Program
- 160.12 Administrative Accountability Process
- 160.15 Fees for IV-D Non-TANF Cases
- 160.20 Assignment of Rights to Support
- 160.25 Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section

- 160.30 Cooperation With Support Enforcement Program
- 160.35 Good Cause for Failure to Cooperate with Support Enforcement
- 160.40 Proof of Good Cause For Failure to Cooperate With Support Enforcement
- 160.45 Suspension of Child Support Enforcement Upon a Claim of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF  
CHILD SUPPORT ORDERS

Section

- 160.60 Establishment of Support Obligations
- 160.61 Uncontested and Contested Administrative Paternity and Support Establishment
- 160.62 Cooperation with Paternity Establishment and Continued Eligibility  
Demonstration Program (Repealed)
- 160.64 Compromise of Assigned Obligations
- 160.65 Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

Section	
160.70	Enforcement of Support Orders
160.71	Credit for Payments Made Directly to the Title IV-D Client
160.75	Withholding of Income to Secure Payment of Support
160.77	Certifying Past-Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies
160.80	Amnesty – 20% Charge (Repealed)
160.85	Diligent Efforts to Serve Process
160.88	State Case Registry
160.89	Interest

## SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section	
160.90	Earmarking Child Support Payments

## SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section	
160.95	State Disbursement Unit
160.100	Distribution of Child Support for TANF Recipients
160.110	Distribution of Child Support for Former AFDC or TANF Recipients Who Continue to Receive Child Support Enforcement Services
160.120	Distribution of Child Support Collected While the Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is Cancelled
160.130	Distribution of Intercepted Federal Income Tax Refunds
160.132	Distribution of Child Support for Non-TANF Clients
160.134	Distribution of Child Support For Interstate Cases
160.136	Distribution of Support Collected in IV-E Foster Care Maintenance Cases
160.138	Distribution of Child Support for Medical Assistance No Grant Cases

## SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section	
160.140	Quarterly Notice of Child Support Account Activity

## SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 160.150 Department Review of Distribution of Child Support for TANF Recipients  
160.160 Department Review of Distribution of Child Support for Former AFDC or TANF Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, Art. X, 12-4.3, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12197, effective August 22, 1997; amended at 21 Ill. Reg. 16050, effective November 26, 1997; amended at 22 Ill. Reg. 14895, effective August 1, 1998; emergency amendment at 22 Ill. Reg. 17046, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2313, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11715, effective September 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12737, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14560, effective December 1, 1999; amended at 24 Ill. Reg. 2380,

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

effective January 27, 2000; amended at 24 Ill. Reg. 3808, effective February 25, 2000; emergency amendment at 26 Ill. Reg. 11092, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17822, effective November 27, 2002; amended at 27 Ill. Reg. 4732, effective February 25, 2003; amended at 27 Ill. Reg. 7842, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 12139, effective July 11, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18891, effective November 26, 2003; amended at 28 Ill. Reg. 4712, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 10225, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15591, effective November 24, 2004; emergency amendment at 29 Ill. Reg. 2743, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10211, effective June 30, 2005; amended at 29 Ill. Reg. 14995, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 5426, effective March 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 8897, effective May 1, 2006; amended at 30 Ill. Reg. 13393, effective July 28, 2006; amended at 31 Ill. Reg. 12771, effective August 27, 2007; emergency amendment at 32 Ill. Reg. 543, effective January 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6511, effective March 31, 2008; amended at 32 Ill. Reg. 16805, effective October 6, 2008; amended at 33 Ill. Reg. 591, effective January 5, 2009; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

**Section 160.70 Enforcement of Support Orders**

- a) **Income Withholding**  
Whether using the administrative process (see Section 160.60(d)) or the judicial process (see Section 160.60(e)), the Department shall follow the procedures for withholding of income contained in Section 160.75 to enforce and collect past-due support owed by responsible relatives in IV-D cases, and it shall as promptly as possible distribute all amounts collected. In addition to income as defined in Section 160.75, the Department shall proceed to collect support from the principal and income of trusts as provided by Section 2-1403 of the Code of Civil Procedure [735 ILCS 5/2-1403].
- b) **Federal and State Income Tax Refunds and Other Payments**
  - 1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other federal and State payments (see Section 10.05a of the State Comptroller Act [15 ILCS 405/10.05a], Section 2505-650 of the Department of Revenue Law [20 ILCS 2505/2505-650] and the Debt

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

Collection Improvement Act of 1996 (31 USC 3701 et seq.)) due such relatives.

- 2) The Department shall submit past-due support amounts to:
  - A) the Department of Health and Human Services to intercept federal income tax refunds and other federal payments in accordance with federal instructions as follows:
    - i) in IV-D TANF and IV-D foster care cases, past-due support owed for a child or for a child and the parent with whom the child is living in an amount not less than \$150. The Department may combine assigned support amounts from the same obligor in multiple cases to reach the minimum amount of \$150 for TANF, AFDC and Foster Care cases; however, amounts under this subsection (b)(2)(A)(i) may not be combined with amounts under subsection (b)(2)(A)(ii) to reach the minimum amounts required for submittal; and
    - ii) in IV-D non-TANF cases, past-due support owed to or on behalf of a child, or a child and the parent with whom the child is living if the same support order includes support for the child and the parent, and the amount of past-due support is not less than \$500. The Department may combine non-assistance support amounts from the same obligor in multiple cases to reach the minimum amount of \$500; however, amounts under this subsection (b)(2)(A)(ii) may not be combined with amounts under subsection (b)(2)(A)(i) to reach the minimum amounts required for submittal.
  - B) the Illinois Department of Revenue to intercept State income tax refunds and the Comptroller to intercept other State payments as follows:
    - i) in active IV-D cases, past-due support owed in an amount not less than one month's support obligation or \$25, whichever is less;

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- ii) in inactive IV-D TANF or AFDC and IV-D foster care cases, past-due support owed in any amount; and
  - iii) in cases in which the responsible relative who owes past-due support is receiving periodic payments from this State because of employment, disability, retirement or any other reason, the Department shall, upon obtaining knowledge of those circumstances, refund any amounts inadvertently intercepted to the responsible relative and proceed to collect past-due support pursuant to the income withholding provisions of the support statutes.
- 3) The Department shall provide the responsible relative with a notice prior to submitting a past-due support amount for intercept, which advance notice shall inform the responsible relative of the following:
- A) the IV-D case name and identification number;
  - B) the past-due support amount that will be submitted for intercept, and that any additional past due support that accumulates will be subject to collection by the Department without further notice;
  - C) the right to contest the determination that past-due support is owed or the amount of past-due support by requesting:
    - i) a redetermination by the Department or, after such redetermination,
    - ii) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, at the request of the responsible relative; and
  - D) that the Internal Revenue Service or Financial Management Service will notify the responsible relative's spouse at the time of intercept regarding the steps to take to protect the share of the refund that may be payable to that spouse, in the case of a joint federal income tax return.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 4) A request for a redetermination made within 15 days from the date of mailing of the advance notice shall stay the Department from submitting the past-due amount.
- 5) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest those results by requesting:
  - A) a hearing by the Department within 30 days after the date of mailing of the notice; or
  - B) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based.
- 6) If a responsible relative requests administrative review by the state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, the Department shall notify the state with the order of the request and shall provide that state with all necessary information within ten days after the responsible relative's request. The Department shall be bound by the decision of the state with the order.
- 7) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 8) The Department shall notify:
  - A) any other state enforcing the support order when the request for intercept is submitted and when the intercept amount is received;
  - B) the Department of Health and Human Services of any deletion of an amount submitted for federal income tax refund intercept or other federal payment offset, in accordance with federal instructions;
  - C) the Illinois Department of Revenue of any deletion of an amount

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

submitted for State income tax refund and the Comptroller for other payment intercept or any significant decrease in the amount; and

- D) the Clerk of Circuit Court of the county in which the child support order was entered of any amount intercepted for posting to the court payment record.
- 9) The Department shall:
- A) as promptly as possible refund to the responsible relative any amount intercepted found to exceed the amount of past-due support owed; and
- B) equitably apportion joint State income tax refunds and other State payments based upon copies of federal and State income tax returns, including all schedules and attachments, or other evidence of ownership, such equitable apportionment to be based on the documented proportionate net income of the parties, and pay to the joint payee that portion of the amount intercepted found to be his or hers; except that the Comptroller shall apportion refunds and payments in matters where the intercepted funds have not yet been transferred to the Department.
- 10) The Department shall, as promptly as possible, apply collections it receives as a result of intercept under this subsection (b) ~~as follows only against the past-due support amount specified in the advance notice provided the responsible relative pursuant to subsection (b)(3) of this Section and shall promptly apply:~~
- A) federal income tax refunds first to satisfy any IV-D TANF or AFDC or IV-D foster care assigned past-due support and then to satisfy any IV-D non-TANF past-due support; and
- B) other federal and State payments in accord with distribution provisions in Subpart F of this Part.
- 11) The Department shall inform individuals who receive IV-D non-TANF support enforcement services, in advance, of the following:

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- A) amounts intercepted under this subsection (b) will be applied in accordance with Section 160.130;
  - B) any payment received by the IV-D non-TANF individual as a result of federal income tax refund intercept may have to be returned to the Department within six years following the end of the tax year if there is an adjustment necessitated by the responsible relative's spouse filing an amended tax return in order to receive his share of a joint tax refund.
- c) Unemployment Insurance Benefits
- 1) The Department shall collect support owed by responsible relatives in IV-D cases through intercept of unemployment insurance benefits in matters wherein the relative has accumulated a past-due support amount equal to a one-month support obligation.
  - 2) The Department shall take the following action:
    - A) ascertain that the responsible relative qualifies for receipt of unemployment insurance benefits through access to the Department of Employment Security's (DES) computer file.
    - B) collect child support owed through the intercept of unemployment insurance benefits by initiating procedures for income withholding in accordance with Section 160.75.
    - C) establish the amount to be deducted by data entry to the DES computer file, which amount shall be the lesser of:
      - i) the amount of the income withholding order; or
      - ii) fifty percent of the Unemployment Insurance Benefit.
    - D) receive amounts deducted direct from DES.
    - E) notify the Clerk of the Circuit Court of the county in which the child support order is registered of each collection for posting to

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

the court payment record.

- F) post each collection to the Department's payment record.
  - G) apply each collection to the current support obligation, then to past-due obligations.
  - H) provide a redetermination within 180 days after the date of request for redetermination to each relative who disputes the deduction and, where indicated, make adjustments and refund improperly deducted amounts.
- 3) The Department of Employment Security shall take the following action:
- A) provide notice to the responsible relative and an opportunity to be heard, when the Department cannot resolve the dispute.
  - B) pay all amounts deducted direct to the Department.
- d) Contempt of Court and Other Legal Proceedings
- 1) The Department shall refer IV-D cases to its legal representatives to initiate contempt of court and other legal proceedings, pursuant to the applicable provisions of the support statutes, for enforcement of orders for support in matters wherein the responsible relative has accumulated a past-due support amount equal to not less than a one-month support obligation, except as set forth in subsection (d)(2) of this Section.
  - 2) Contempt proceedings shall not be used in the following instances:
    - A) the responsible relative has no known available income or assets from which to satisfy the support obligation and is:
      - i) receiving public assistance;
      - ii) mentally or physically disabled;
      - iii) incarcerated;

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- iv) out-of-the-country;
  - v) deceased; or
  - vi) otherwise situated making such action unproductive.
- B) other legal or administrative remedies are more appropriate under the circumstances.
- 3) Contempt and other legal proceedings shall be used to:
- A) establish the amount of past-due support;
  - B) obtain a judgment for purposes of:
    - i) imposition of a lien against real estate,
    - ii) levy upon real estate and personal property, or
    - iii) registration in another state;
  - C) secure an order for lump sum or periodic payment of the past-due support or judgment;
  - D) require the responsible relative to post security, bond or give some other guarantee of a character and amount sufficient to assure payment of any amount due under the support order;
  - E) obtain full or partial payment of past due support through incarceration;
  - F) ascertain the responsible relative's source and amount of income or location and value of assets;
  - G) void a transfer of property fraudulently made to avoid payment of child support in accordance with the Uniform Fraudulent Transfer Act [740 ILCS 160] or obtain a settlement in the best interest of the child support creditor;

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- H) secure other enforcement relief; and
  - I) obtain any combination of the above.
- 4) During the course of contempt or other legal proceedings to enforce support, if it shall appear that there is no net income because of the unemployment of a responsible relative, who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving TANF in Illinois, the Department shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives under Section 9-6 of the Illinois Public Aid Code [305 ILCS 5/9-6].
- 5) In TANF cases, the Department shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].
- e) Liens Against Real Estate and Personal Property – Judicial Enforcement of Order for Support
- 1) The Department shall seek judgment liens against real estate and enforce judgments upon the real estate and personal property of responsible relatives, in IV-D cases in which a referral has been made to initiate court enforcement of an order for support, in accordance with Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII].
  - 2) A petition for a rule to show cause or other petition filed by a Department legal representative to enforce an order for support shall contain a prayer that judgment be entered against the responsible relative in the amount of the past-due support alleged in the petition, when both of the following circumstances exist:
    - A) the past-due amount is at least \$3,500; and
    - B) the responsible relative has an interest in real estate or personal property against which the judgment may be enforced.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 3) Upon obtaining a judgment, Department legal representatives shall secure liens against the real estate of responsible relatives by filing a transcript, certified copy or memorandum of judgment in the county where the real estate is located, in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]).
  - 4) A judgment shall be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]) when the relative has a known equity that is not less than \$3,500 in excess of any statutory exemption.
- f) Liens Against Real Estate and Personal Property – Administrative Enforcement of Order for Support
- 1) Liens against real estate
    - A) The Department shall impose liens against real estate of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when both of the following circumstances exist:
      - i) the amount of past-due support is at least \$3,500; and
      - ii) the responsible relative has an interest in real estate against which a lien may be claimed.
    - B) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative and recorded or filed with the Recorder or Registrar of Titles of the county in which the real estate of the responsible relative is located. The notice shall inform the responsible relative and the Recorder or Registrar of Titles of the following:
      - i) the name and address of the responsible relative;
      - ii) a legal description of the real estate to be levied;

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- iii) the amount of past-due support to be satisfied by the levy;
  - iv) the fact that a lien is being claimed for past-due child support owed by the responsible relative; and
  - v) the right to prevent action against the real property by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a hearing by the Department.
- C) A written request for hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from taking action against the real property, although the lien shall remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (f).
- D) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- E) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
- F) The lien shall be enforced against the real estate in accordance with Article X of the Illinois Public Aid Code and Article XII of the Code of Civil Procedure when the responsible relative has a known equity in the real estate that is not less than \$3,500 in excess of any statutory exemption.
- 2) Liens against personal property
- A) The Department shall impose liens against personal property of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when the following circumstances exist:
- i) the amount of past-due support is at least \$1,000;

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- ii) the responsible relative has an interest in personal property against which a lien may be claimed; and
  - iii) if the personal property to be levied is an account as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24], the account is valued in the amount of at least \$300.
- B) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative, any joint owner of whom the Department has knowledge and location information, the financial institution in which an account of the responsible relative is located, the sheriff of the county in which goods or chattels of the responsible relative are located, or any person or entity indebted to or holding personal property of the responsible relative or who may be liable for payment of money in connection with a claim or cause of action of the responsible relative. The notice shall contain the following:
- i) the name and address of the responsible relative;
  - ii) a description of the account or personal property to be levied;
  - iii) the amount of past-due support to be satisfied by the levy;
  - iv) the fact that a lien is being claimed for past-due child support owed by the responsible relative;
  - v) the right of the responsible relative to prevent levy upon the personal property, including accounts, by payment of the past-due support amount in full or by contesting the determination that past-due support is owed or the amount of past-due support by requesting a hearing within 15 days after the date of mailing of the Notice of Lien or Levy; and
  - vi) the right of a joint owner to prevent levy upon his or her share of the account or other personal property or to seek a

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

refund of his or her share of the account or other personal property already levied, by requesting, within 15 days after the date of mailing of the Notice of Lien or Levy to the joint owner, a hearing by the Department to determine his or her share of the account or other personal property. A joint owner who is not provided with a Notice of Lien or Levy by the Department may request a hearing by the Department within 45 days after the date of levy of the account or other personal property.

- C) In addition to the information to be included in the Notice of Lien or Levy under subsection (f)(2)(B), the Notice of Lien or Levy provided to a financial institution shall:
- i) state that the lien is subordinate to any prior lien or prior right of set-off that the financial institution may have against the assets, or in the case of an insurance company or benefit association only in the accounts as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24];
  - ii) state that upon being served with the Notice of Lien or Levy that the financial institution shall encumber the assets in the account, and surrender and remit those assets within five days after being served with a Notice to Surrender Assets by the Department;
  - iii) state that the financial institution may charge the responsible relative's account a fee of up to \$50, and that the amount of any fee be deducted from the account before remitting any assets from the account to the Department; and
  - iv) include a form, Response to Notice of Lien or Levy, to be completed by the financial institution and returned to the Department within 30 days after receipt of the Notice of Lien or Levy.
- D) The form for the response to Notice of Lien or Levy provided for

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

under subsection (f)(2)(C)(iv) of this Section shall include provisions for the financial institution to complete stating:

- i) the amount of assets in the responsible relative's account;
  - ii) the amount of the fee to be deducted from the account;
  - iii) the amount of assets in the account subject to a prior lien or prior right of set-off of the financial institution;
  - iv) the name and address of any joint owners of the account; and
  - v) the amount of assets surrendered and remitted to the Department.
- E) A written request for a hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from levying upon the personal property, although the lien shall remain in effect during the pendency of any appeal taken pursuant to this subsection (f).
- F) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the responsible relative's written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- G) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.110 upon receipt of a joint owner's written request for a hearing.
- H) The Department, upon determining a joint owner's share of the personal property or account, shall release the lien against the personal property or account to the extent of the joint owner's share. If the Department's determination of the joint owner's share occurs after the personal property or account has been levied, the Department shall refund the joint owner's share of the personal property or account.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- I) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
  - J) Information obtained from financial institutions as to the location of personal property, including accounts, of responsible relatives shall be subject to all State and federal confidentiality laws and regulations. Following data exchange with financial institutions to locate personal property of responsible relatives, the Department shall return to financial institutions data that does not relate to a responsible relative whose personal property may be subject to lien or levy under this subsection (f).
- g) Security, Bond or Other Guarantee of Payment
- 1) Except as provided in subsections (g)(2) and (3) of this Section, the Department shall require, or through its legal representative shall request the court to require, a responsible relative to post security, bond, or give some other guarantee of a character and amount sufficient to assure payment of any amount due under a support order in IV-D cases, pursuant to Section 10-17.4 of the Illinois Public Aid Code [305 ILCS 5/10-17.4].
  - 2) In cases in which the support obligation is established through the administrative process contained in Section 160.60, the notice of support obligation provided to the responsible relative shall indicate that the Department may require the relative to post security, bond or give some other guarantee of payment. Except where the responsible relative is subject to income withholding, the administrative support order shall contain this requirement in an amount equal to a one year support obligation.
  - 3) In acting upon a referral to establish a support obligation or to enforce an existing order for support, Department legal representatives shall include in the complaint or petition a prayer for an order requiring the responsible relative to post security, bond, or give some other guarantee of payment equal to a one year support obligation, unless the relative is subject to the income withholding provisions of the support statutes.
- h) Past-Due Support Information to Consumer Reporting Agencies

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) The Department shall report the following information concerning responsible relatives in IV-D cases to consumer reporting agencies when the amount of past-due support is or exceeds that required for intercepting federal income tax refunds as provided in subsection (b)(2)(A) of this Section:
  - A) the name, last known address and Social Security Number of the responsible relative; and
  - B) the terms and amount of past-due support that has accumulated under the order for support.
- 2) The Department shall provide the responsible relative with a notice at least 15 days prior to furnishing past-due support information to consumer reporting agencies, which advance notice shall inform the relative of the following:
  - A) the IV-D case name and identification number;
  - B) the past-due support amount that will be reported;
  - C) the date past-due support will be reported; and
  - D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
- 3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days after the date of mailing of the notice.
- 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 5) The Department shall be stayed from providing information to consumer

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

reporting agencies by either of the following:

- A) a request for:
    - i) a redetermination, or
    - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
  - B) payment in full of the amount of the past-due support stated in the:
    - i) advance notice, or
    - ii) notice of redetermination or hearing results.
- 6) The Department shall advise consumer reporting agencies of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.
- i) High-Volume Automated Administrative Enforcement in Interstate Cases
    - 1) The Department shall use high-volume automated administrative enforcement, to the same extent as used for intrastate cases, in response to a request of another state to enforce support orders, and shall promptly report the results of such enforcement activity to the requesting state.
    - 2) High-volume automated administrative enforcement means that, upon a request of another state, the Department shall identify, through automated data matches with financial institutions and other entities, where assets may be found of persons who owe child support in other states, and seize those assets through levy or other appropriate processes.
    - 3) The Department may, by electronic or other means, transmit to another state a request for assistance in a case involving the enforcement of a support order. The request shall:
      - A) Include information that will enable the state to which the request is transmitted to compare the information about the case to the information in the databases of that state.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- B) Constitute a certification by the Department of the amount of support owed and that the Department has complied with all procedural due process requirements applicable to each case.
- 4) If the Department provides assistance to another state pursuant to this Section with respect to a case, neither state shall consider the case to be transferred to the caseload of the other state.
- 5) The Department shall maintain records of:
  - A) The number of requests for assistance received by the Department.
  - B) The number of cases for which the Department collected support in response to a request and the actual amount of support collected.
- j) Past-Due Support Certified to the Illinois Department of Revenue, to municipalities or to the IV-D Agency of Another State for Administrative Enforcement in the Other State
  - 1) The Department may collect past-due support owed by responsible relatives in IV-D cases through certification of the account balance to the Illinois Department of Revenue for collection (see Section 10-17.9 of the Illinois Public Aid Code [305 ILCS 5/10-17.9]), to municipalities with ordinances to immobilize and impound vehicles for non-payment of child support (see Section 10-17.3 of the Illinois Public Aid Code [305 ILCS 5/10-17.3]) or to another state's IV-D agency for administrative enforcement where the responsible relative has property in the other state.
  - 2) The Department may certify past-due support amounts to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state when the following conditions exist:
    - A) past-due support is owed for a child or for a child and the parent with whom the child is living;
    - B) the responsible relative has made no payment directly or through income withholding within 30 days prior to the date of the advance

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

notice under subsection (j)(3) of this Section;

- C) as of the date of certification, the responsible relative does not have a bankruptcy case pending; and
  - D) the responsible relative is not deceased.
- 3) The Department shall provide the responsible relative with a notice prior to certifying the balance to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state, which advance notice shall inform the responsible relative of the following:
- A) the IV-D case name and identification number;
  - B) the past-due support amount that will be submitted for collection;
  - C) the right to contest the determination that past-due support is owed or the amount of past-due support by making a written request for a redetermination by the Department; and
  - D) that the responsible relative may avoid certification by establishing a satisfactory repayment plan as determined by the Department.
- 4) Factors for a satisfactory repayment plan will include, but are not limited to:
- A) the amount of past-due support owed;
  - B) the amount to be paid toward the past-due amount;
  - C) the amount of current child support obligations; and
  - D) the individual's ability to pay.
- 5) The Department shall provide the Illinois Department of Revenue, municipalities or the IV-D agency of another state for administrative enforcement in the other state, the following descriptive information on the responsible relative:

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- A) name;
  - B) Social Security Number;
  - C) IV-D identification number; and
  - D) the past-due support amount.
- 6) A written request for redetermination made within 15 days after the date of mailing the advance notice shall stay the Department from certifying the balance to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state.
- 7) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest those results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice.
- 8) A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination shall stay the Department from certifying the balance to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state, if certifying the balance had been stayed pursuant to subsection (j)(6) of this Section.
- 9) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that Section 104.103(b) and (c) shall not apply.
- 10) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
- 11) The Department shall:
- A) apply any overpayment by the responsible relative pursuant to the

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

certification for collection as a credit against future support obligation; or

- B) if the current support obligation of the responsible relative has terminated by operation of law or court order, as promptly as possible refund to the responsible relative any overpayment, pursuant to certification for collection, which is still in the possession of the Department.
- k) Past-Due Support Information to the Secretary of Health and Human Services for Denial of Passports
- 1) The Department shall report the following information concerning responsible relatives in IV-D cases to the Secretary of Health and Human Services for denial of passports when the amount of past-due support exceeds \$2,500:
    - A) the name, last known address and Social Security Number of the responsible relative; and
    - B) the terms and amount of past-due support that has accumulated under the order for support.
  - 2) The Department shall provide the responsible relative with a notice at least 15 days prior to certifying past-due support to the Secretary of Health and Human Services, which advance notice shall inform the relative of the following:
    - A) the IV-D case name and identification number;
    - B) the past-due support amount that will be certified;
    - C) the date past-due support will be certified; and
    - D) the right to prevent certification by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent certification by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days after the date of mailing of the notice.
  - 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
  - 5) The Department shall be stayed from providing information to the Secretary of Health and Human Services by either of the following:
    - A) a request for:
      - i) a redetermination, or
      - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
    - B) payment in full of the amount of the past-due support stated in the:
      - i) advance notice, or
      - ii) notice of redetermination or hearing results.
  - 6) The Department shall advise the Secretary of Health and Human Services of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.
- l) List of Responsible Relatives
    - 1) Any list of responsible relatives owing past-due support to be disclosed pursuant to Section 12-12.1 of the Illinois Public Aid Code [305 ILCS 5/12-12.1] shall be developed as required by this subsection (l).
    - 2) The list shall include no more than 200 responsible relatives at any given time, shall include only responsible relatives owing \$5,000 or more in past-due support accumulated under Illinois court or administrative

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

support orders, and shall include, but is not limited to, the following information about each responsible relative:

- A) the name of the responsible relative;
  - B) the responsible relative's last known address; and
  - C) the amount of past-due support as of a given date, expressed within a range (for example, \$50,000-\$100,000), that has accumulated under the support order.
- 3) The Department shall make the list available for public inspection at its offices or by other means of publication, including the Internet.
- 4) The Department shall send an advance notice by certified mail to the responsible relative at his or her last known address at least 90 days prior to publishing past-due support information. The advance notice shall inform the responsible relative of the following:
- A) the IV-D case name and identification number;
  - B) the past-due support amount as of a given date;
  - C) the earliest date by which past due support information will be published;
  - D) the right to contest the determination that past-due support is owed or the amount of past-due support by submitting a written request to the Department for a hearing no later than 10 days before the date of publication stated in the advance notice; and
  - E) that within 60 days from the date of delivery or refusal of the advance notice, the responsible relative may avoid publication of the past-due support information by paying the past-due support in full, or by establishing and complying with a satisfactory payment plan as determined by the Department.
- 5) Factors for a satisfactory payment plan will include, but are not limited to:

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- A) the amount of past-due support owed;
  - B) the amount to be paid toward the past-due support;
  - C) the amount of the current support obligations; and
  - D) the responsible relative's ability to pay.
- 6) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.101 and 104.103 upon receipt of a request for a hearing.
- 7) The Department shall be stayed from publishing past-due support information regarding the responsible relative by any of the following:
- A) a timely written request for hearing from the responsible relative regarding the existence or amount of past-due support stated in the advance notice; or
  - B) as of the date of publishing, a pending judicial review of a final administrative decision of the Department issued pursuant to this subsection.
- m) Certification of Past-Due Support to the Illinois Secretary of State for Driver's License Suspension
- 1) The Department shall issue a Notice of Intent to Request Suspension of an Illinois Driver's License to a responsible relative in accordance with Section 10-17.6 of the Illinois Public Aid Code [305 ILCS 5/10-17.6] and Section 7-702 of the Illinois Vehicle Code [625 ILCS 5/7-702], when the following circumstances exist:
- A) the amount of past-due support is at least \$2500;
  - B) the responsible relative has not made a voluntary payment in the last 90 days.
- 2) The Notice of Intent to Request Suspension of an Illinois Driver's License shall contain the following:

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- A) the name and address of responsible relative;
  - B) the responsible relative's Recipient Identification Number;
  - C) the responsible relative's Driver's License Number;
  - D) the amount of past-due support, including interest;
  - E) the fact that the responsible relative's name will be referred to the Secretary of State for suspension of the driver's license if the responsible relative fails to contact the Department within 15 days after the mailing date of Notice;
  - F) the right of the responsible relative to prevent certification for the license suspension by payment of the past-due support amount in full or by entering into a repayment plan satisfactory to the Department or to contest the amount of past-due support that is owed by requesting a hearing within 15 days after the date of mailing by the Department.
- 3) A written request for hearing made within 15 days after the date of mailing of the Notice of Intent to Request Suspension of an Illinois Driver's License shall stay the Department from certifying past-due support to the Secretary of State.
  - 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- n) Debit Authorization for Obligor's Who Are Not Subject to Income Withholding
    - 1) The Department shall adopt a child support enforcement debit authorization form that, upon being signed by an obligor, authorizes the State Disbursement Unit to debit the obligor's financial institution account periodically in an amount equal to the amount of the child support obligation.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 2) The Department shall, upon adoption, inform each financial institution conducting business in this State that the child support enforcement debit authorization form has been adopted and is ready for use.
  - 3) The child support enforcement debit authorization form shall include instructions concerning the debiting of accounts held on behalf of obligors and the transfer of the debited amount to the State Disbursement Unit.
  - 4) When an obligor does not have a payor, as defined in Section 15 of the Income Withholding for Support Act [750 ILCS 28/15], he or she must sign a child support enforcement debit authorization form. The obligor must sign a separate child support enforcement debit authorization form for each financial institution holding an account on his or her behalf in which a child support payment is to be debited and transferred to the State Disbursement Unit.
  - 5) The signing and issuance of a child support enforcement debit authorization form does not relieve the obligor from responsibility for compliance with any requirement under the order for support.
  - 6) It is the responsibility of the obligor to notify the State Disbursement Unit in accordance with the instructions provided on the child support enforcement debit authorization form.
- o) Other Remedies  
The Department shall pursue any other remedies provided for by law to enforce and collect past-due support owed by responsible relatives in IV-D cases.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 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> :
650.20	Amendment
650.22	Amendment
650.40	Amendment
650.60	Amendment
650.66	New Section
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: These amendments are being proposed pursuant to biological surveys and at the recommendation of the Joint Task Force on Deer Population Control. Amendments are being made to: make Statewide program changes allowing for sale of permits remaining after random daily draws through the DNR Point of Sale System at license vendors throughout the State, open and close State-owned or –managed sites, and amend procedures at State sites.
- 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

William K. Richardson, General 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 2009

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 17: CONSERVATION

## CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

## SUBCHAPTER b: FISH AND WILDLIFE

## PART 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)
<a href="#">650.66</a>	<a href="#">Special Hunts for Young Hunters</a>
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,

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

effective July 30, 1993; amended at 18 Ill. Reg. 5859, effective April 5, 1994; amended at 18 Ill. Reg. 13431, effective August 23, 1994; amended at 19 Ill. Reg. 6477, effective April 28, 1995; 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. 9300, effective June 13, 2008; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**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 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.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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-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 ~~that which~~ starts the first working day after September 14 and ends the first weekday in October ~~fifth weekday in November~~,

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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) Permits remaining after the Random Daily Drawing will be available over-the-counter (OTC) from agents designated by the Department (pursuant to 17 Ill. Adm. Code 2520) beginning the third Monday in October on a first-come, first-served basis. Permits will be sold until quotas are exhausted, or until the close of the firearm deer season, whichever occurs first. Persons may purchase one or more permits during this period, subject to availability. Persons purchasing OTC deer permits must supply all necessary applicant information to the agents in order to properly complete the permit.

i)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 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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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.

l)† Applications may be accepted at the counter window of the permit office; however, permits [for the First Lottery, Second Lottery and Random Daily Drawing](#) will be mailed. In-person, mail-in and electronic applications will receive equal treatment in the drawings.

k)† Permits are not transferable. Refunds will not be granted, unless the Department of Natural Resources has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.

l)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. [The procedures for obtaining a replacement license are detailed in 17 Ill. Adm. Code 2520.50.](#) Monies derived from this source will be deposited in the Wildlife and Fish Fund.

m)† The periods for accepting applications for the First and Second Lottery periods may be extended if applications are not available to the public by April 1. A news release will announce the extension of the application periods.

n)m) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 33 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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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 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 [7 days prior to season date listed on permit](#)~~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; [for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy](#))

Lake Shelbyville Project Lands except Wolf Creek State Park (Shelby County) (it is unlawful to drive deer; [for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy](#))

Lost Mound Unit – Upper Mississippi River National Wildlife and Fish Refuge ([Saturday and Sunday prior to the first statewide firearm deer season only](#)~~first season only~~; permit drawing will be conducted by USFWS; preference given to disabled hunters; bonus [antlerless-only](#) permits will be [sold](#)~~issued~~ at site; antlerless deer only except that either-sex [one-day site-specific](#)~~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)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 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 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 650.40 Statewide Deer Hunting Rules**

- a) The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. All either-sex permits and antlered-only permits are subject to the following restriction: no hunter, regardless of the quantity or type of permits in his/her possession, may harvest more than 2 antlered deer during a year, including the [youth](#), archery, muzzleloader, and firearm seasons. For purposes of this Section, deer seasons are considered to be in the same year if their opening dates fall within the same 12-month period that begins on July 1. A hunter in possession of an either-sex permit after having harvested 2 antlered deer during a year, as defined above, may only use the permit to harvest an antlerless deer. Subject to this restriction, an either-sex permit holder is allowed to take a deer with or without antlers and an antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.
- b) Recipients of the Firearm Deer Hunting Permit shall record their signature on the permit prior to hunting and must carry it on their person while hunting.
- c) The temporary harvest tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer in the manner prescribed on the permit.
- d) Hunters shall not have in their possession, while in the field during firearm deer season, any deer permit issued to another person (permits are non-transferable).

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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

(Source: Amended at 33 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).
- f) Only antlerless deer or antlered deer having at least five points on one side may

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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 season only, deer hunters may not access the designated duck hunting areas by

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 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 an either-sex site-specific 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)

Clinton Lake State Recreation Area (only in the area between County

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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 (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 an either-sex site-specific 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)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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 an either-sex site-specific 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)

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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 an either sex site-specific 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)

[Rall Woods State Natural Area \(formerly Falling Down Prairie\) \(first or second season only\) \(2\)](#)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Ray Norbut Fish and Wildlife Area (2)

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 an either-sex site-specific 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 State Park/Matthiessen State Park/Margery C. Carlson Nature Preserve (first or second season only; permit includes Starved Rock State Park, Matthiessen State Park, Margery C. Carlson State Natural Area, Mitchell's Grove State Natural Area and Sandy Ford State Natural Area; 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; 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) [\(5\)](#)

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

Weinberg-King State Park (2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Weinberg-King State Park – Scripps Unit (2)

Weldon Springs State Park – Piatt County Unit

White Pines Forest State Park (Monday, Tuesday and Wednesday prior to the first 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 an either-sex site-specific 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 an either-sex site-specific 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; [for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy](#)) (3)

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

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 650.66 Special Hunts for Young Hunters**

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

[Crab Orchard National Wildlife Refuge \(public hunting area only, except area north of Route 13 is closed to firearm deer hunting\)](#)

[Dixon Springs State Park](#)

[Lake Le Aqua Na State Park \(hunting from Department established ground blinds only; first season only; permits shall be antlerless only; youth hunters may purchase a \\$5 either sex permit after harvesting an antlerless deer; supervisors may hunt, but may only take antlerless deer\)](#)

b) [Violation of this Section is a Class B misdemeanor \(see 520 ILCS 5/2.24\).](#)

(Source: Added at 33 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)

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

site before taking an antlered deer; hunter safety course not required) (2) (5)

Rock Cut State Park (Thursday, Friday, Saturday and Sunday 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 an either-sex site-specific 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 an either-sex site-specific 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 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 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>
660.20	Amendment
660.22	Amendment
660.40	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: These amendments are being proposed pursuant to biological surveys and at the recommendation of the Joint Task Force on Deer Population Control. The amendments make Statewide program changes allowing for sale of permits remaining after random daily draws through the DNR Point of Sale System at license vendors throughout the State, open and close State-owned or –managed sites, and amend procedures at State sites.
- 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

William K. Richardson, General 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 2009

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 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. 9325, effective June 13, 2008; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Section 660.20 Statewide Deer Permit Requirements**

- a) Illinois resident hunters must have a current, valid Muzzleloading Rifle Deer Permit (\$15). Fees for non-resident deer hunters shall be \$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 and is valid only in the county stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area, until the Random Daily Drawing Period that begins in September, at which time antlerless-only permits remaining in the quota will be made available regardless of whether applicants already possess an either-sex permit. For permit applications and other information write to:

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

- b) Applications from Illinois residents for participation in the First Lottery Drawing shall be accepted through the last weekday in April of the current year. Nonresidents may not apply to participate in the First Lottery Drawing. Applications received after the last weekday in April shall not be included in this lottery. Permits shall be allocated in a computerized random drawing. Permits shall be issued as either-sex, antlerless-only or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person. 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 last weekday in April of the current year.
- d) 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.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- e) Permits for counties and special hunt areas with unfilled quotas after the First Lottery Drawing shall be allocated in a Second Lottery Drawing. This drawing is open only to nonresident applicants and to Illinois residents who were not previously issued muzzleloader permits for the current hunting season. Illinois residents will be given preference for permits allocated in the Second Lottery Drawing. Applications for the Second Lottery Drawing will be accepted through the tenth weekday in August of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and providing an additional \$15. A list of unfilled counties shall be announced upon becoming available after the First Lottery Drawing. Applicants must apply on a current year Muzzleloading Rifle Deer Permit application form. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- f) There will be an application period ~~that~~[which](#) starts the first working day after September 14 and ends the ~~first weekday in October~~[fifth weekday in November](#) during which anyone (regardless of any other permit they may have, subject to the restriction in subsection (a)) can apply for muzzleloading deer permits left over from the county and special hunt area quotas. During this application period, the permits shall be issued in a random daily drawing. Applications received each day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day. All applications for the Random Daily Drawing will be processed individually (i.e., no group applications will be processed). Applicants can apply for one or more permits during this application period. Applicants must mark the September Drawing – Multiple Permits box on the muzzleloading rifle deer permit application.
- g) [Permits remaining after the Random Daily Drawing will be available over-the-counter \(OTC\) from agents designated by the Department \(pursuant to 17 Ill. Adm. Code 2520\) beginning the third Monday in October on a first-come, first-served basis. Permits will be sold until quotas are exhausted, or until the close of the muzzleloader deer season, whichever occurs first. Persons may purchase one or more permits during this period, subject to availability. Persons purchasing OTC deer permits must supply all necessary applicant information to the agents in order to properly complete the permit.](#)
- [h\)g\)](#) Hunter preference in obtaining a muzzleloading rifle permit during the First Lottery Drawing shall be given to individuals that applied for an either-sex muzzleloading permit in the previous year's First Lottery Drawing who were

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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

- 1) The applicant must apply using the official agency ~~preprinted data mailer~~ application.
- 2) The applicant must be a resident of the State, be eligible to receive a Muzzleloading Rifle Deer Permit, and not had deer hunting privileges revoked pursuant to Section 660.50.
- 3) The applicant must apply for the same county choices that he/she listed on the previous year's application. Preference will not be granted for special hunt areas.
- 4) Where applicants apply as a group, preference for the entire group shall apply as it does above for the individual. All county choices for the group must be identical.

~~i)h)~~ Applications shall be accepted at the counter window of the permit office; however, permits [for the First Lottery, Second Lottery and Random Daily Drawing](#) shall be mailed. In-person, mail-in and electronic applications will receive equal treatment in the drawings.

~~j)i)~~ Permits are not transferable. Refunds shall not be granted unless the Department of Natural Resources has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.

~~k)j)~~ A \$3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. [The procedures for obtaining a replacement license are detailed in 17 Ill. Adm. Code 2520.50.](#) Monies derived from this source shall be deposited in the Wildlife and Fish Fund.

~~l)k)~~ The period for accepting applications for the First and Second Lottery periods shall be extended if applications are not available to the public by April 1. A news release will announce the extension of the application period.

~~m)l)~~ Hunting without a permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 660.22 Deer Permit Requirements – Special Hunts**

- a) Special hunt sites are defined as those sites that 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, and that 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 660.60(h).

Burning Star 5 (~~areas designated as waterfowl refuge are closed to all access after second firearm deer season;~~ only antlerless deer or antlered deer having at least 4 points on one side may be harvested; tree stands and blinds used for deer hunting must be removed at the end of each day's hunt; deer hunters may begin scouting seven days prior to the season date listed on permit)

Delair Division, Great River National Wildlife Refuge (second 2-day (Saturday and Sunday) weekend in January)

Midewin National Tallgrass Prairie (closed during the second firearm deer season; 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 outside the special season dates or prior to ½ hour before sunrise or after sunset on the listed property 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)).

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 660.40 Statewide Deer Hunting Rules**

- a) The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. All either-sex permits and antlered-only permits are

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

subject to the following restriction: no hunter, regardless of the quantity or type of permits in his/her possession, may harvest more than 2 antlered deer during a year, including the [youth](#), archery, muzzleloader, and firearm seasons. For purposes of this Section, deer seasons are considered to be in the same year if their opening dates fall within the same 12-month period that begins on July 1. A hunter in possession of an either-sex permit after having harvested 2 antlered deer during a year, as defined above, may only use the permit to harvest an antlerless deer. Subject to this restriction, an either-sex permit holder is allowed to take a deer with or without antlers and an antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.

- b) Recipients of the Muzzleloading Rifle Deer Hunting Permit shall record their signature on the permit prior to hunting and must carry it on their person while hunting.
- c) The temporary harvest tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer in the manner prescribed on the permit.
- d) Hunters shall not have in their possession, any deer permit issued to another person, while in the field during muzzleloading rifle deer season (permits are non-transferable).
- e) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter. For those hunters participating in the Department's Chronic Wasting Disease Surveillance Program, a free permit for the same county or special hunt area will be made available the subsequent year if their tested deer is determined to have chronic wasting disease.
- f) Unlawful take or possession of one deer is a Class B misdemeanor (see 520 ILCS 5/2.4); unlawful take or possession of 2 or more deer in a 90-day period is a Class 4 felony (see 520 ILCS 5/2.36a); unlawful take or possession of 2 or more deer as a single act or single course of conduct is a Class 3 felony (see 520 ILCS 5/2.36); and any other violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 33 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 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)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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)

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)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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)

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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 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)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

## Wildcat Hollow State Forest (1)

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

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

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 (closed during the second firearm deer season) (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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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)

Lake Shelbyville Project in Moultrie County (closed during the second firearm deer season; antlerless only; [for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy](#)) (1)

Lake Shelbyville Project in Shelby County (closed during the second firearm deer season; antlerless only; [for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy](#)) (1)

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)

[Rall Woods State Natural Area \(formerly Falling Down Prairie\) \(closed during the second firearm deer season\) \(2\)](#)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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)

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; permit includes Starved Rock State Park, Matthiessen State Park, Margery C. Carlson State Natural Area, Mitchell's Grove State Natural Area and Sandy Ford State Natural Area; 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).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 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> :
670.10	Amendment
670.20	Amendment
670.40	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: These amendments are being proposed pursuant to biological surveys and at the recommendation of the Joint Task Force on Deer Population Control. Season ending dates are being changed so that archery hunters can hunt three days longer, until the end of the Late Winter Deer Season and the Special CWD Deer Season. Amendments are also being made to update permit information, open and close State-owned or –managed sites and amend procedures at State sites.
- 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

William K. Richardson, General 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 2009

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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. 9337, effective June 13, 2008; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 670.10 Statewide Open Seasons and Counties**

- a) All regulations set forth in Section 2.26 of the Wildlife Code apply in this Part.
- b) For Cook, DuPage and Lake counties, and that portion of Kane County east of State Route 47 – October 1 through the first ~~Sunday after January 13~~ Thursday after January 10.
- c) For all other counties, or parts of counties – October 1 through the first ~~Sunday after January 13~~ Thursday after January 10, closed during the period when deer hunting with a firearm is permitted as set out in 17 Ill. Adm. Code 650, except Department of Natural Resources (~~Department or DNR~~) owned or managed sites designated in Section 670.60 by an asterisk (\*) shall be open to archery deer hunting without regard to firearm deer season (no firearm deer hunting pursuant to 17 Ill. Adm. Code 650 allowed).
- d) 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). ~~Hunting outside the set season is a Class B misdemeanor (see 520 ILCS 5/2.24).~~

(Source: Amended at 33 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.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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 [agents designated by the Department \(pursuant to 17 Ill. Adm. Code 2520\)](#)~~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. 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, with clients of outfitters currently permitted by the Department of Natural Resources given preference in the drawing for the first 7,500. Clients of permitted outfitters should contact the outfitter prior to applying to receive a certification number to be used in the application process to verify their outfitter client status. Permits will be allocated using a computerized, random lottery drawing conducted after 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.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- d) An unlimited number of nonresident single antlerless-only archery deer permits is available over-the-counter (OTC) from ~~agentsparticipating 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 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 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 670.40 Statewide Deer Hunting Rules**

- a) The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. All either-sex permits and antlered-only permits are subject to the following restriction: no hunter, regardless of the quantity or type

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

of permits in his/her possession, may harvest more than 2 antlered deer during a year, including the [youth](#), archery, muzzleloader and firearm seasons. For purposes of this subsection, deer seasons are considered to be in the same year if their opening dates fall within the same 12-month period that begins on July 1. A hunter in possession of an either-sex permit after having harvested 2 antlered deer during a year, as defined above, may only use the permit to harvest an antlerless deer. Subject to this restriction, an either-sex permit holder is allowed to take a deer with or without antlers; and an antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless-only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.

- b) Recipients of any type of Archery Deer Hunting Permit shall record their signature on the permit prior to hunting and must carry it on their person while hunting.
- c) The temporary harvest tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer in the manner prescribed on the permit.
- d) Hunters shall not have in their possession, while in the field during archery deer season, any deer permit issued to another person (permits are non-transferable).
- e) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter. For those hunters participating in DNR's Chronic Wasting Disease Surveillance Program, a free permit will be made available (during either the current year or the subsequent year, at the discretion of the hunter) if their tested deer is determined to have chronic wasting disease.
- f) Unlawful take or possession of one deer is a Class B misdemeanor (see 520 ILCS 5/2.24); unlawful take or possession of two or more deer in a 90-day period is a Class 4 felony (see 520 ILCS 5/2.36a); unlawful take or possession of 2 or more deer as a single act or single course of conduct is a Class 3 felony (see 520 ILCS 5/2.36a); and any other violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- \* 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)

Burning Star 5 (an antlerless deer must be taken on the site before an antlered deer is harvested; deer hunters may begin scouting [7 days prior to the season date listed on permit; tree stands and blinds used for deer hunting must be removed from the area at the end of each day's hunt 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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Devil's Island Wildlife Management Area

Dixon Springs State Park (1) (2)

Dog Island Wildlife Management Area (1) (2)

- \* Eldon Hazlet State Park (archery hunting is closed in the designated controlled pheasant hunting area on days when the controlled pheasant hunting program is in operation) (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) (2)

Fort Massac State Park (1) (2)

- \* [Frank Holten State Park \(opens November 1; crossing of Harding Ditch within confines of site allowed; no hunting from Harding Ditch right-of-way\) \(1\) \(2\)](#)

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)

Giant City State Park (1) (2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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)

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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)

Mazonia/Braidwood State Fish and Wildlife Area (2) (4)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Mermet Lake Conservation Area (1) (2)

Midewin 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)

Oakford Conservation Area

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- \* Peabody River King State Fish and Wildlife Area (East subunit closes November 1) (1) (2)  
  
Pyramid State Park (2) (4)  
  
[Rall Woods State Natural Area \(formerly Falling Down Prairie\) \(2\)](#)
- \* 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  
  
Sanganouis State Wildlife Area (Ash Swale Waterfowl Rest Area will be

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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)

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- \* Washington County Conservation Area (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)  
[Weldon Springs State Park – Piatt County Unit \(an antlerless deer must be taken on the site before an antlered deer is harvested\)](#)  
[Whitefield Pheasant Habitat Area \(hunting allowed during October only\)  
\(2\)](#)
- \* 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) (2)  
Wildcat Hollow State Forest (1)  
Witkowsky State Wildlife Area (opens October 15) (2)  
[Woodford Fish and Wildlife Area \(opens at the close of duck season\) \(2\)](#)
- 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)  
[Bohm Woods Nature Preserve \(an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by](#)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

January 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year) (1)

Goode's Woods Nature Preserve (an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by January 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 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)

- 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)

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)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Des Plaines Game Propagation Center (2)

- \* Eagle Creek State Park (disabled hunters are exempt from site's antler restrictions; [for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy](#)) (4)

Fox Ridge State Park (1)

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- \* Mississippi Palisades State Park (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)  
[Prairie Ridge State Natural Area \(1\)](#)  
Pere Marquette State Park (area east of Graham Hollow Road) (1)  
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)  
[Sahara Woods State Fish and Wildlife Area \(free permits allocated through publicly announced drawing held on-site in advance of opening day; permit allows hunter to scout on-site 7 days prior to the opening day of season\)](#)
- \* Sam Dale Lake Conservation Area (1)  
Sand Ridge State Forest  
Shelbyville Fish and Wildlife Area ([for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy](#)) (1)
- \* Siloam Springs State Park – Buckhorn Unit (resident hunters only) (2) (4)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- \* 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 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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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:

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)

~~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)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

~~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; [for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy](#)) (2) (4)

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

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Special White-Tailed Deer Season for Disease Control
- 2) Code Citation: 17 Ill. Adm. Code 675
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
675.10	Amendment
675.20	Amendment
675.30	Amendment
675.40	Amendment
675.50	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.24, 2.25, 2.26 and 3.36]
- 5) A Complete Description of the Subjects and Issues Involved: These amendments are being made to: make Statewide program changes to the hunting season to increase it from 3 days to 7 days, remove bow and arrow as an allowable weapon option during this season, add language to clarify penalties for violations, update hunting rules and change the harvest reporting requirements from physically checking in to the use of the existing automated harvest reporting system (either by phone or Internet).
- 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

William K. Richardson, General 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 2009

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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

## PART 675

## SPECIAL WHITE-TAILED DEER SEASON FOR DISEASE CONTROL

## Section

675.10	Chronic Wasting Disease (CWD) Season
675.20	CWD Deer Permit Requirements
675.30	Weapon Requirements for CWD Deer Hunting Season
675.40	CWD Deer Hunting Rules
675.50	Reporting Harvest
675.60	Rejection of Application/Revocation of Permits
675.70	Regulations at Various Department-Owned or -Managed Sites

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

SOURCE: Adopted at 29 Ill. Reg. 20454, effective December 2, 2005; amended at 31 Ill. Reg. 1874, effective January 5, 2007; amended at 31 Ill. Reg. 14822, effective October 18, 2007; amended at 32 Ill. Reg. 19731, effective December 4, 2008; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 675.10 Chronic Wasting Disease (CWD) Season**

- a) Season: One-half hour before sunrise on the first ~~Thursday~~Friday after ~~December 25~~January 11 to ½ hour after sunset on the following ~~Sunday~~, and ½ hour before sunrise on the first Friday after January 11 to ½ hour after sunset on the following Sunday. Shooting hours are ½ hour before sunrise to ½ hour after sunset. Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).
- b) Open counties: Boone, McHenry, Winnebago and DeKalb counties and that portion of Kane County west of State Route 47. Additional counties in which CWD foci are identified subsequent to adoption of this Part shall be opened via public announcement (e.g., press release, site posting and publication in Outdoor Illinois).

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- c) Hunting outside the set season dates or without a valid permit for the area hunted is a Class B misdemeanor (see 520 ILCS 5/2.24). Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 675.20 CWD Deer Permit Requirements**

- a) Hunters must have an unfilled deer permit valid for the previous firearm, muzzleloader or youth deer season and valid for one of the open counties (Boone, McHenry, DeKalb, Kane or Winnebago); ~~an unfilled deer permit valid for the previous archery deer season;~~ or a valid CWD Season Deer Permit. A CWD Season Deer 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. Unfilled firearm, muzzleloader or youth deer permits are valid only for the county for which they were originally issued, except that unfilled landowner property-only hunting firearm deer permits are valid only for the farmlands the person to whom it was issued owns, leases, or rents within the open counties/portions of counties. ~~Unfilled archery deer permits are valid throughout all counties/portions of counties open to this special season, except that unfilled landowner property-only hunting archery deer permits are valid only for the farmlands the person to whom it was issued owns, leases, or rents within the open counties/portions of counties.~~
- 1) Unfilled firearm, muzzleloader or youth deer permits that were originally issued for special hunt areas are not valid during the CWD Season unless:
    - A) the hunter's name is redrawn at the daily site lottery to hunt at the same special hunt area during the CWD Season; or
    - B) the special hunt area is open to persons with a county permit and the special hunt area does not conduct a daily site lottery.
  - 2) Sites conducting a daily site lottery will be announced publicly.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- b) CWD Season Deer Permits are available over-the-counter (OTC) from participating license vendors for a fee of \$5. These permits shall be antlerless-only.
- c) Hunters purchasing CWD Season Deer Permits must supply all necessary applicant information to the license vendor in order to properly complete the permit.
- d) Permits are not transferable. Refunds will not be granted.
- e) A \$3 service fee will be charged for replacement permits. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
- f) Recipients of the CWD Season Deer Hunting Permit shall record their signature on the permit and must carry it on their person while hunting.
- g) ~~Successful hunters checking in their deer at the CWD Deer Season check station who provide tissue samples to the Department for CWD testing (or who attempt to do so, in situations where deer are unsuitable for testing) are eligible to receive an additional permit (either sex) at no charge each time they check in a deer and submit samples. These permits, which are valid for the remainder of the season, will be issued at the time of check-in by check station personnel.~~
- gh) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 675.30 Weapon Requirements for CWD Deer Hunting Season**

- a) The only legal weapons to take, or attempt to take, deer are shotguns, muzzleloading rifles, and handguns and their respective ammunitions as prescribed by 17 Ill. Adm. Code 650.30(a), ~~(b) and (c)~~; ~~and bows and arrows as prescribed by 17 Ill. Adm. Code 670.30.~~
- b) Hunters with valid, unused permits from the previous firearm, muzzleloader or youth ~~or archery~~ seasons may use only the weapons allowed by that permit in those respective seasons. Hunters with a valid CWD Season Deer Permit may use any of the weapons described in subsection (a).

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- c) It shall be unlawful to use or possess any firearm or; ammunition, ~~or bow and arrow~~ other than allowed by subsection (a) in the field while hunting white-tailed deer during the CWD Deer Hunting Season. However, the lawful possession of firearms to take furbearing mammals and game mammals other than deer by persons other than deer hunters shall not be prohibited during the CWD Deer Hunting Season as set in Section 675.10. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 675.40 CWD Deer Hunting Rules**

- a) Persons using unfilled permits from the previous firearm, muzzleloader or; youth ~~or archery~~ deer season (see Section 675.20(a)) may only take deer appropriate for that permit type (either-sex or antlerless-only).
- b) An either-sex permit holder is allowed to take a deer with or without antlers, and an antlerless-only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.
- c) The bag limit is one deer per legally authorized either-sex or antlerless-only permit. Deer taken during the CWD Season are not subject to the antlered deer bag limit restrictions imposed during the firearm, muzzleloader, youth and archery deer hunting seasons.
- d) The harvest tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the harvest tag to the deer in the manner prescribed in Section 675.50 and on the permit. The temporary harvest tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer. The temporary harvest tag should be attached around the base of the antler of antlered deer (antlers 3 or more inches in length) and attached to the leg of antlerless deer (<3 inch antler length, or no antlers). A permanent harvest tag will be attached to the leg of the deer upon checking at the check station. If the head/antlers are delivered to a taxidermist for processing, the temporary harvest tag must accompany them and be kept with the head/antlers while at the taxidermist's. If the carcass is taken to a meat processor, the permanent harvest

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

~~tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.~~

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

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 675.50 Reporting Harvest**

- a) Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the deer was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at <http://dnr.state.il.us/vcheck>. They will be provided with a confirmation number to verify that they checked in their harvest. This number must be written by the hunter on the harvest tag (leg tag). If the condition of the tag precludes writing on the tag in the appropriate space (i.e., bloody, etc.), the confirmation number shall be written elsewhere on the tag or onto a piece of paper and attached to the deer along with the temporary harvest tag. The deer must remain whole (or field dressed) until it has been checked in. In instances in which deer are checked in while the hunter is still afield, the deer may not be dismembered while afield

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

beyond quartering the animal. If quartered, all parts of the carcass (except the entrails removed during field dressing) must be transported together and evidence of sex must remain naturally attached to one quarter. Evidence of sex is:~~The deer shall be taken whole (or field dressed) to a designated CWD Deer Hunting Season check station by the hunter in person by 8:00 p.m. of the day the deer was killed. If a hunter is not able to locate a harvested deer in sufficient time to enable checking in the deer by 8:00 p.m., the hunter must take the deer to the appropriate check station upon its opening (8:00 a.m.) the following morning, or immediately upon retrieving it if that occurs later than the opening of the check station. If this situation occurs on a Sunday (e.g., the check station will not be open on Monday), the hunter must contact the appropriate regional DNR Law Enforcement Office by 10:00 a.m. Monday morning for instructions on checking in the deer. Failure to follow this Section constitutes illegal possession of deer.~~

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

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Late-Winter Deer Hunting Season
- 2) Code Citation: 17 Ill. Adm. Code 680
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
680.10	Amendment
680.20	Amendment
680.70	Amendment
680.80	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: update Statewide program changes, extend the length of the hunting season from 3 days to 7 days (one 4-day segment beginning the first Thursday after Christmas and one 3-day segment beginning the Friday after January 11), create two categories of counties open to the late-winter season and change the permitting system from an application/lottery to one in which season participants may purchase permits over-the-counter.
- 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

William K. Richardson, General 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 2009

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 680  
LATE-WINTER DEER HUNTING SEASON

## Section

680.10	Statewide Season
680.20	Statewide Deer Permit Requirements
680.25	Deer Permit Requirements – Free Landowner/Tenant Permits (Repealed)
680.30	Deer Permit Requirements – Group Hunt
680.40	Statewide Firearm Requirements for Late-Winter Deer Hunting
680.50	Statewide Deer Hunting Rules
680.60	Reporting Harvest
680.70	Rejection of Application/Revocation of Permits
680.80	Regulations at Various Department-Owned or -Managed Sites

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

SOURCE: Adopted at 15 Ill. Reg. 13353, effective September 3, 1991; amended at 16 Ill. Reg. 15446, effective September 28, 1992; amended at 17 Ill. Reg. 18810, effective October 19, 1993; amended at 18 Ill. Reg. 15739, effective October 18, 1994; amended at 19 Ill. Reg. 15422, effective October 26, 1995; amended at 20 Ill. Reg. 10906, effective August 5, 1996; amended at 21 Ill. Reg. 9128, effective June 26, 1997; amended at 22 Ill. Reg. 14875, effective August 3, 1998; amended at 24 Ill. Reg. 8975, effective June 19, 2000; amended at 26 Ill. Reg. 13820, effective September 5, 2002; emergency amendment at 28 Ill. Reg. 1032, effective January 6, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 2197, effective January 26, 2004; amended at 28 Ill. Reg. 15503, effective November 19, 2004; amended at 29 Ill. Reg. 20462, effective December 2, 2005; amended at 30 Ill. Reg. 14508, effective August 24, 2006; amended at 31 Ill. Reg. 13180, effective August 30, 2007; amended at 32 Ill. Reg. 19736, effective December 3, 2008; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 680.10 Statewide Season**

- a) Season: One-half hour before sunrise on the first Thursday after December 25~~Friday after January 11~~ to ½ hour after sunset on the following Sunday, and ½ hour before sunrise on the first Friday after January 11 to ½ hour after sunset on

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

[the following Sunday](#). Shooting hours are ½ hour before sunrise to ½ hour after sunset. Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

- b) For the purpose of removing surplus deer, the Department of Natural Resources (Department) shall open select counties and sites to firearm deer hunting during the Late-Winter Deer Season. The Department shall notify the public of the counties that are projected to have surplus deer populations via a public announcement. ~~These counties also will be listed in the instructions contained in the current Late-Winter Deer Permit Application.~~
- c) [Counties opened to the Late-Winter Deer Season shall be categorized into two groups:](#)
- 1) [Unit A – consisting of counties with deer populations considerably above goal that require a significant harvest increase; and](#)
  - 2) [Unit B – consisting of counties requiring less significant harvests to maintain or achieve deer population goals.](#)
- d) Hunting outside the set season dates or without a valid permit for the county hunted in is a Class B misdemeanor (see 520 ILCS 5/2.24). [Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \\$500 fine and a maximum \\$5,000 fine in addition to other statutory penalties \(see 520 ILCS 5/2.33\(y\)\).](#)

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 680.20 Statewide Deer Permit Requirements**

- a) Illinois resident hunters must have a current, valid Late-Winter Deer Season Permit (\$15), or an unfilled firearm, muzzleloader or youth deer permit valid for the previous firearm, muzzleloader or youth deer season and valid for one of the open counties. Nonresident hunters must have an unfilled firearm or muzzleloader deer permit valid for the previous firearm or muzzleloader deer season and valid for one of the open counties. A Late-Winter Deer Season 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. Unfilled firearm, muzzleloader or youth

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

deer permits are valid only for the county for which they were originally issued, except that unfilled landowner property-only hunting firearm deer permits are valid only for the farmlands that the person to whom it was issued owns, leases, or rents within the open counties/portions of counties.

- 1) Unfilled firearm, muzzleloader or youth deer permits that were originally issued for special hunt areas are not valid during the Late-Winter Season unless:
  - A) the hunter's name is redrawn at the daily site lottery to hunt at the same special hunt area during the Late-Winter Season; or
  - B) the special hunt area is open to persons with a county permit and the special hunt area does not conduct a daily site lottery.
- 2) Sites conducting a daily site lottery will be announced publicly. ~~For permit applications and other information write to:~~

~~Department of Natural Resources  
(Late-Winter Deer Season)  
Deer Permit Office  
Post Office Box 19227  
Springfield IL 62794-9227~~

- b) ~~Resident Late-Winter Deer Permits will be available for sale over-the-counter (OTC) from agents designated by the Department (pursuant to 17 Ill. Adm. Code 2520) beginning December 1 through the last day of the Late-Winter Deer Season. For counties in Unit A, there shall be no limitation on permit sales; hunters may purchase as many permits as they wish for any or all of the included counties. For counties in Unit B, hunters may purchase only a single permit for each of the included counties. Applications shall be accepted as soon as they are available through the tenth weekday in November for the Late-Winter Deer Season in the following January. Applications received after the tenth weekday in November shall not be included in the drawing. Permits shall be allocated in a random drawing. Permits not correctly filled out shall be rejected from the random drawing. Permits shall be issued as antlerless only.~~
- c) ~~For the applicant to be eligible to receive a Late-Winter Deer Permit (\$15), he/she must be an Illinois resident and not have had his/her deer hunting privileges~~

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

~~suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36]. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident deer permit. In-person, mail-in and electronic applications shall receive equal treatment in the drawings.~~

- d) ~~Hunters purchasing Late-Winter Deer Permits must supply all necessary application information to the agents in order to properly complete the permit. Each applicant must apply using the official agency Late-Winter Deer Permit Application, and must complete all portions of the form.~~
- e) ~~For the applicant to be eligible to receive a Late-Winter Deer Permit (\$15), he must be an Illinois resident and not have had his deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36]. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident deer permit.~~
- f) ~~It shall be unlawful to apply for or receive more than one permit for the Late-Winter Deer season.~~
- g) ~~Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed.~~
- ch) Recipients of the Late-Winter Deer Hunting Permit shall record their signature on the permit and must carry it on their person while hunting.
- fi) Permits are not transferable. Refunds shall not be granted ~~unless the Department has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.~~
- gj) A \$3 service fee shall be charged for replacement permits ~~issued by the Department, except when permits are lost in the mail, then there shall be no charge.~~ Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
- hk) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 680.70 Rejection of Application/Revocation of Permits**

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

Sites will be opened to Late-Winter deer hunting only if the site is announced as being open via a public announcement. A drawing will be held at 5:00 a.m. at the site if more hunters show up

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

~~than can be accommodated at sites announced as having a daily hunter quota (e.g., press release, site posting and publication in Outdoor Illinois) and/or the site is listed as being open on the Late-Winter deer season application. Sites allowing standby hunting, along with the required check-in time, will be designated on the Late-Winter Deer Season application.~~ Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
685.10	Amendment
685.20	Amendment
685.30	Amendment
685.60	Amendment
685.80	Repealed
685.110	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36]
- 5) A Complete Description of the Subjects and Issues Involved: Amendments to this Part are being made to: remove language regarding permit quotas as they will no longer be set, update permit requirements and incorporate language changing the permitting system for the youth deer season from an application/lottery to one in which season participants may purchase one permit for one open county from license vendors throughout the State, modify language to clarify violations and penalties, repeal Section 685.80, which pertains to the youth white-tailed deer hunt as it has been incorporated into 17 Ill. Adm. Code 650 (White-Tailed Deer Hunting by Use of Firearms), and update site-specific regulations.
- 6) Published Studies or Reports, and Sources of underlying data, used to compose this rulemaking: No
- 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.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 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:

William K. Richardson, General 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 2009

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 685  
YOUTH HUNTING SEASONS

## Section

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

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

SOURCE: Adopted at 20 Ill. Reg. 12452, effective August 30, 1996; amended at 21 Ill. Reg. 14548, effective October 24, 1997; amended at 25 Ill. Reg. 6904, effective May 21, 2001; amended at 26 Ill. Reg. 4418, effective March 11, 2002; amended at 26 Ill. Reg. 13828, effective September 5, 2002; amended at 27 Ill. Reg. 14332, effective August 25, 2003; amended at 29 Ill. Reg. 20469, effective December 2, 2005; amended at 30 Ill. Reg. 12222, effective June 28, 2006; emergency amendment at 31 Ill. Reg. 12096, effective August 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14829, effective October 18, 2007; amended at 32 Ill. Reg. 10115, effective June 30, 2008; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 685.10 Statewide Season for White-Tailed Deer Hunting**

- a) Season: One-half hour before sunrise on Saturday of the State designated Columbus Day Holiday weekend to ½ hour after sunset on Sunday of that weekend. Shooting hours are ½ hour before sunrise to ½ hour after sunset.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- b) ~~Open Counties: All counties except 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 firearm deer hunting.~~
- c) Hunting outside the set season dates is a Class B misdemeanor (see 520 ILCS 5/2.24); and hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 685.20 Statewide Deer Permit Requirements**

- a) Illinois resident hunters must have a current, valid "Youth Deer Hunt Permit" (\$10). The Youth Deer Season is only open to Illinois residents who have not reached their 16<sup>th</sup> birthday prior to the opening date of the season. Hunters must have completed a State-approved Hunter Education course and have a hunting license, unless exempt, or have an apprentice hunting license. A permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. ~~For permit applications and other information write to:~~

~~Department of Natural Resources  
Youth Deer Permit  
One Natural Resources Way  
P.O. Box 19227  
Springfield IL 62794-9227~~

- b) Youth Deer Permits will be available for sale over-the counter (OTC) from agents beginning August 1 through the last day of the Youth Deer Season. Hunters may purchase only a single permit (either-sex) for one of the included counties.~~Applications shall be accepted beginning August 1 and ending on the tenth weekday in August for the Youth Deer Season in October. Applications received after the tenth weekday shall not be included in the drawing. Permits shall be allocated in a random drawing. Applications not correctly filled out shall be rejected from the random drawing. If more space is available than the number of applications received, remaining permits will be filled in random daily drawings.~~

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- ~~e) In-person and mail-in applications shall receive equal treatment in the drawings.~~
- ~~d) Each applicant must apply using the official agency Youth Deer Hunt Permit Application, and must complete all portions of the form. No more than six applications per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications for regular firearm, muzzleloading rifle, archery, handgun, free or paid landowner/tenant permits, and youth deer season permits.~~
- c)e) For the applicant to be eligible to receive a Youth Deer Season Permit (\$10), applicant must be an Illinois resident and not have had his or her deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36].
- ~~f) Deer hunting seminars covering deer hunting safety and aspects of deer hunting will be made available to participating youths.~~
- d)g) Recipients of the Youth Deer Season Hunt Permit shall record their signature on the permit and must carry it on their person while hunting.
- ~~e)h) Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.~~
- ~~f)i) A \$3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.~~
- ~~j) Each applicant must enclose a separate \$10 check or money order payable to the Department of Natural Resources, or the application shall be returned. Applicants should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.~~
- g)k) Permits issued for the Youth Deer Hunt season will not be counted in the number of gun permits a person can receive for the Firearm and Muzzleloader-Only Deer Season.
- ~~l) Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).~~

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

~~h)~~ Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 685.30 Statewide Firearm Requirements for Hunting the Youth Deer Season**

- a) Specifications of legal firearms and their respective legal ammunition for the Youth Deer Hunt are:
- 1) Shotgun, loaded with slugs only, of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs;
  - 2) A single or double barreled muzzleloading firearm of at least .45 caliber shooting a single projectile through a barrel of at least sixteen inches in length;
  - 3) The minimum size of the firearm projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or part of the projectile. Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.
- b) The standards and specifications for use of such muzzleloading firearms are as follows:
- 1) A muzzleloading firearm is defined as a 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.
  - 3) 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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

with frizzen open and hammer all the way down, or removal of prime powder from flashpan and wheel un-wound, or removal of prime powder and match with match not lit, or removal of the battery from the CVA electronic ignition muzzleloader, shall constitute an unloaded muzzleloading firearm.

- c) It shall be a Class B misdemeanor (see 520 ILCS 5/2.24) to use or possess any type of firearm or ammunition in the field other than those specifically authorized by this rule while hunting white-tailed deer during the Youth Deer Hunting Season, but archery deer hunters in possession of a valid archery deer permit may hunt during this season provided that, in ~~county or~~ counties open to youth deer hunting, they wear the orange garments required of gun deer hunters. The otherwise lawful possession of firearms to take furbearing mammals and game mammals other than deer by persons other than youth deer hunters or their supervisors shall not be prohibited during the Youth Deer Hunting Season as set in Section 685.10.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 685.60 Rejection of Application/Revocation of Deer Permits**

- a) In the event that the purchaser of a Youth Deer Permit is in violation of either subsection (a)(1) or (a)(2), the permit will be revoked in addition to any other penalties. The purchaser may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530~~an applicant commits one of the violations described in subsections (a)(1) through (4), the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the Department of whether the violation was knowing. If the Department determines the violation was knowing, the application shall be rejected and the fee shall be retained by Natural Resources. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should it be determined that the violation was without the knowledge of the applicant, the permit office will process the application.~~
- 1) Providing false and/or deceptive information on the deer permit form, which is a Class A misdemeanor (see 520 ILCS 5/2.38)~~Submitting more than one application in the same name or by the same person for a Youth Deer Hunt Permit.~~
  - 2) Purchasing a Youth Deer Permit when the purchaser has a license or

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

~~permit currently revoked pursuant to Section 3.36 of the Wildlife Code, which is a Class A misdemeanor (see 520 ILCS 5/3.36) Providing false and/or deceptive information on the deer permit application form.~~

- ~~3) Submitting an application when the applicant has a license or permit currently revoke pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36].~~
- ~~4) Submitting an incomplete or incorrect application.~~

- b) Any violation of the Wildlife Code, in addition to other penalties, may result in revocation of hunting licenses and permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 685.80 Youth White-Tailed Deer Hunt (Repealed)**

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

~~Crab Orchard National Wildlife Refuge (public hunting area only, except area north of Route 13 is closed to firearm deer hunting)~~

~~Dixon Springs State Park~~

~~Lake Le Aqua Na State Park (hunting from Department established ground blinds only; first season only; permits shall be antlerless only; youth hunters may purchase a \$5 either sex permit after harvesting an antlerless deer; supervisors may hunt, but may only take antlerless deer)~~

(Source: Repealed at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Section 685.110 Youth Waterfowl Hunting**

- a) Permit Requirements
- 1) Permit reservations shall be accepted starting in September. Initial acceptance dates shall be publicly announced. Applicants must be between the ages of 10-15 inclusive on the date of the hunt.
  - 2) Only one permit per person shall be issued for the hunt on ~~the first weekday after~~ December ~~27<sup>26</sup> other than a Monday~~ at Horseshoe Lake State Fish and Wildlife Area (Alexander County) and Union County State Fish and Wildlife Area and on the Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 at Donnelley/DePue State Wildlife Area (3 "i" unit), and on the first weekend and third Saturday of the Illinois Central Zone Waterfowl season at Donnelley State Wildlife Area, and on the second Sunday in November of the Illinois Central Zone Waterfowl season at Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit.
  - 3) The permit shall be for the use of the entire blind and it shall be the responsibility of the permit holder to bring one supervising adult who may also hunt. The supervising adult shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law. Each youth and supervising adult may be accompanied by a non-hunting guide. The maximum number of people in a blind is two hunting youth, two hunting adults and a non-hunting guide.
  - 4) Permit reservations and transferability.
    - A) All duplicate permit reservations shall be rejected and the hunter shall forfeit his rights to a permit. Permits are not transferable. Previous participants are ineligible to apply for a permit.
    - B) For other information write to:

Illinois Department of Natural Resources  
Youth Waterfowl Hunt  
One Natural Resources Way

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

P.O. Box 19457  
Springfield IL 62794-9457

- 5) Permits for the Illinois Youth Waterfowl Hunt will be issued from the Springfield Permit Office.
- b) General Waterfowl Hunting Regulations at the Youth Waterfowl Hunting Areas
  - 1) Hours, Permits and Stamp Charges
    - A) Hunting hours at Horseshoe Lake (Alexander County) and Union County are from legal opening until 12:00 Noon on the day of the Youth Waterfowl Hunt. Hunting hours at Donnelley/DePue State Wildlife Area (3 "i" Unit), Banner Marsh State Fish and Wildlife Area and Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit are from statewide opening to 1:00 p.m. on the days of the youth waterfowl hunts.
    - B) At Union County State Fish and Wildlife Area and Horseshoe Lake State Fish and Wildlife Area (Alexander County), hunters with Illinois Youth Waterfowl Hunt Permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing shall be held on the morning of the hunt to allocate blind sites.
    - C) At Donnelley/DePue State Wildlife Area (3 "i" Unit) and Banner Marsh Fish and Wildlife Area, hunters with Illinois Youth Waterfowl Hunt Permit reservations are required to check in one hour before shooting time. The blinds will be allocated by drawing. For the youth hunts other than the Illinois Youth Waterfowl Hunt, hunters with permit reservations must check in at the check station no later than one hour before shooting time or the permit is void.
    - D) At Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit, hunters with Illinois Youth Waterfowl Permit reservations are required to check-in at the check station no later than one hour before legal shooting time, after which time permits are void. A drawing shall be held on the morning of the hunt to

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

allocate blind sites.

- E) There is no fee for the Illinois Youth Waterfowl Hunting Permit.
- 2) Hunting must be done from assigned blinds only and hunters, unless authorized, shall not move from blind to blind or leave the blind and return.
  - 3) Guns must be unloaded and encased at all times when not hunting.
  - 4) At Union County State Fish and Wildlife Area and Horseshoe Lake State Fish and Wildlife Area (Alexander County), each youth shall not possess more than 25 shells. Each adult shall not possess more than 5 shells for each Canada goose allowed in the daily bag. Hunters without their guns may leave the blind to retrieve crippled waterfowl.
  - 5) At Rend Lake, hunters participating in the youth hunt must sign in and out, no entry into subimpoundments before 4:30 a.m. and must be out of subimpoundments by 2:00 p.m. A drawing will be held at 4:00 a.m. each day of the youth hunt for hunters wanting to hunt the Casey Fork impoundment. Drawing will be held at the Cottonwood Access Area.
- c) **Special Hunts**  
If, by regulation published in the Federal Register, the U.S. Fish and Wildlife Service sets any special dates for youth-only waterfowl hunting, the Department shall, by public announcement, open those Department sites that, under the circumstances prevailing at the time, the Department believes may be opened without unduly disturbing other Department programs.
- d) Violations of this Section are Class B misdemeanors (see 520 ILCS 5/2.18), except that hunting prior to ½ hour before sunrise is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Merit and Fitness
- 2) Code Citation: 80 Ill. Adm. Code 302
- 3) Section Number: 302.220                      Adopted Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by the Personnel Code [30 ILCS 415]
- 5) Effective Date of Rulemaking: April 23, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 19844; December 26, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all of the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were needed.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendment: The change to this rulemaking permits State employees to take a leave of absence for up to five years to join the military and be reinstated to a same or similar position. The current rulemaking only permits them to be gone for four years. In addition, consistent with the federal Uniformed Services Employment and Reemployment Rights Act, the time period for an employee rehabilitating from an injury incurred in the line of service to apply for reinstatement is extended from one year to two years.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

- 16) Information and questions regarding this adopted amendment shall be directed to:

Margaret van Dijk  
Illinois Department of Central Management Services  
720 Stratton Office Building  
Springfield IL 62706

217/782-5778

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 302  
MERIT AND FITNESS

SUBPART A: APPLICATION AND EXAMINATION

Section	
302.10	Examinations
302.20	Time, Place, Conduct, Cancellation, Postponement and Suspension of Examinations
302.30	Veterans Preference
302.40	Announcement of Examination
302.52	Notice to Eligibles
302.55	Grading Examinations
302.60	Retaking or Regrading Examinations
302.70	Application and Eligibility

SUBPART B: APPOINTMENT AND SELECTION

Section	
302.80	Eligible Lists
302.90	Appointments
302.91	Alternative Employment
302.100	Geographic Preference
302.105	Pre-Employment Screening
302.110	Appointment From Eligible List
302.120	Responsibilities of Eligibles
302.130	Removal of Names From Eligible Lists
302.140	Replacement of Names on Eligible List
302.150	Appointment and Status
302.160	Extension of Jurisdiction B

SUBPART C: TRAINEES

Section

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

- 302.170 Programs
- 302.175 Appointments
- 302.180 Limitations on Trainee Appointments

SUBPART D: CONTINUOUS SERVICE

- Section
- 302.190 Definitions
- 302.200 Interruptions in Continuous Service
- 302.210 Deductions From Continuous Service
- 302.215 Leave of Absence for Educational Purposes
- 302.220 Veterans Continuous Service
- 302.230 Peace or Job Corps Enrollees Continuous Service
- 302.240 Accrual and Retention of Continuous Service During Certain Leaves
- 302.250 Limitations on Continuous Service

SUBPART E: PERFORMANCE REVIEW

- Section
- 302.260 Performance Records
- 302.270 Performance Evaluation Forms

SUBPART F: PROBATIONARY STATUS

- Section
- 302.300 Probationary Period
- 302.310 Certified Status
- 302.320 Status Change in Probationary Period
- 302.325 Intermittent Status

SUBPART G: PROMOTIONS

- Section
- 302.330 Eligibility for Promotion
- 302.335 Limitations On Promotions
- 302.340 Failure to Complete Probationary Period

SUBPART H: EMPLOYEE TRANSFERS

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

Section	
302.400	Transfer
302.410	Intra-Agency Transfer
302.420	Inter-Agency Transfer
302.425	Merit System Transfer
302.430	Geographical Transfer (Agency Directed)
302.431	Geographical Transfer (Agency Directed) Procedures
302.432	Notice To Employee
302.433	Effective Date of Geographical Transfer (Agency Directed)
302.435	Employee-Requested Geographical Transfer
302.440	Rights of Transferred Employees
302.445	Transfer of Duties
302.450	Limitations on Transfers
302.460	Employee Records

## SUBPART I: DEMOTION

Section	
302.470	Demotion
302.480	Notice to Employee
302.490	Employee Obligations
302.495	Salary and Other Benefits of Employee
302.496	Appeal by Certified Employee
302.497	Demotion of Other Employees
302.498	Status of Demoted Employees

## SUBPART J: VOLUNTARY REDUCTION AND LAYOFFS

Section	
302.500	Voluntary Reduction of Certified and Probationary Employees
302.505	Limitations in Voluntary Reduction
302.507	Definition of Layoff
302.510	Temporary Layoff
302.512	Use of Accrued Benefits During Temporary Layoff
302.514	Notice of Temporary Layoff
302.516	Return From Temporary Layoff
302.518	Scheduling of Temporary Layoffs
302.519	Deferral of Wages
302.520	Indeterminate Layoff Procedure

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

302.523	Voluntary Indeterminate Layoff
302.525	Disapproval
302.530	Order of Layoff
302.540	Effective Date of Layoff
302.550	Employee Opportunity to Seek Voluntary Reduction
302.560	Order of Preference in Voluntary Reduction
302.570	Reemployment Lists
302.580	Employment From Reemployment List
302.590	Removal of Names From Reemployment List
302.595	Laid Off Probationary Employee
302.596	Appeal by Employee
302.597	Reinstatement from Layoff
302.600	Resignation
302.610	Reinstatement

## SUBPART K: DISCHARGE AND DISCIPLINE

Section	
302.625	Definition of Certified Employee
302.626	Progressive Corrective Discipline
302.628	Prohibited Disciplinary Action
302.630	Disciplinary Action Warning Notice
302.640	Suspension Totaling Not More Than Thirty Days in any Twelve Month Period
302.660	Suspension Totaling More than Thirty Days in any Twelve Month Period
302.670	Approval of Director of Central Management Services
302.680	Notice to Employee
302.690	Employee Obligations
302.700	Cause for Discharge
302.705	Pre-Termination Hearing
302.710	Suspension Pending Decision on Discharge
302.720	Discharge of Certified Employee
302.730	Notice to Employee
302.750	Appeal by Employee
302.780	Discharge of Probationary Employees
302.781	Reinstatement from Suspension or Discharge
302.785	Suspension Resulting From Arrest or Criminal Indictment/Suspension Pending Judicial Verdict
302.790	Prohibition of Discrimination
302.795	Administrative Leave

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

## SUBPART L: TERM APPOINTMENTS

Section	
302.800	Definition of Terms
302.810	Positions Subject to Term Appointments
302.820	Appointment
302.821	Effect of Loss of Federal Funding on Employees Excluded from Term Appointment by Reason of Being Federally Funded (Repealed)
302.822	Appointees Under Term Appointments
302.823	No Promotion to Positions Covered by Term Appointments (Repealed)
302.824	No Reallocation to Term Positions
302.825	Reemployment Rights to Term Appointment
302.830	Expiration of Term Appointment
302.840	Renewal Procedures
302.841	Renewal Procedures for Incumbents on the Effective Date of Section 8b18 of the Personnel Code (Repealed)
302.842	Effective Date of Reappointment or Termination (Repealed)
302.846	Change in Position Factors Affecting Term Appointment Exclusion
302.850	Reconsideration Request
302.860	Renewal Procedure for Incumbents Subject to Public Act 83-1369
302.863	Renewal of Certified or Probationary Incumbents in Exempted Positions

AUTHORITY: Implementing and authorized by the Personnel Code [20 ILCS 415].

SOURCE: Filed May 29, 1975; amended at 2 Ill. Reg. 33, p. 24, effective September 1, 1978; amended at 3 Ill. Reg. 1, p. 63, effective January 1, 1979; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 1, p. 76, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 67, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; amended at 7 Ill. Reg. 654, effective January 5, 1983; codified at 7 Ill. Reg. 13198; amended at 8 Ill. Reg. 7788, effective May 23, 1984; emergency amendment at 9 Ill. Reg. 241, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 7907, effective May 15, 1985; amended at 10 Ill. Reg. 13940, effective September 1, 1986; amended at 12 Ill. Reg. 5634, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 16214, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 3722, effective March 13, 1989; amended at 13 Ill. Reg. 10820, effective June 23, 1989; amended at 13

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

Ill. Reg. 12970, effective August 1, 1989; amended at 15 Ill. Reg. 17974, effective November 27, 1991; amended at 16 Ill. Reg. 8375, effective May 21, 1992; emergency amendment at 16 Ill. Reg. 11645, effective July 6, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13489, effective August 19, 1992; amended at 16 Ill. Reg. 17607, effective November 6, 1992; amended at 17 Ill. Reg. 3169, effective March 1, 1993; amended at 18 Ill. Reg. 1892, effective January 25, 1994; amended at 18 Ill. Reg. 17183, effective November 21, 1994; amended at 19 Ill. Reg. 8145, effective June 7, 1995; amended at 20 Ill. Reg. 3507, effective February 13, 1996; amended at 21 Ill. Reg. 15462, effective November 24, 1997; amended at 22 Ill. Reg. 14735, effective August 3, 1998; amended at 26 Ill. Reg. 15285, effective October 15, 2002; amended at 29 Ill. Reg. 11800, effective July 14, 2005; emergency amendment at 30 Ill. Reg. 12366, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18270, effective November 13, 2006; amended at 31 Ill. Reg. 15069, effective October 26, 2007; emergency amendment at 32 Ill. Reg. 19935, effective December 9, 2008, for a maximum of 150 days; amended at 33 Ill. Reg. 6495, effective April 23, 2009.

## SUBPART D: CONTINUOUS SERVICE

**Section 302.220 Veterans Continuous Service**

- a) Leaves of absence shall be granted to all employees, except temporary or emergency employees, who leave their positions and enter military service for 54 years or less (exclusive of any additional service imposed pursuant to law). An employee shall be restored to the same or a similar position on making an application to his/her employing agency within 90 days after separation from active duty or from hospitalization or convalescence continuing after discharge for not more than two years~~one year~~. The employee must provide evidence of satisfactory completion of training and military service when making application and be qualified to perform the duties of the position.
- b) Subject to the provisions of Section 302.110, a veteran who returns to State service after having been granted a leave of absence from provisional status shall be permitted and required to pass the same or similar examination for his/her position within 90 days.
- c) Trainees who have not previously done so and whose training was interrupted by military leave, shall be required to qualify in an examination in the trainee class before being granted allocation or non-competitive promotion to a higher class.

(Source: Amended at 33 Ill. Reg. 6495, effective April 23, 2009)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Conditions of Employment
- 2) Code Citation: 80 Ill. Adm. Code 303
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
303.90	Amendment
303.112	Amendment
303.115	Amendment
303.125	Amendment
303.130	Amendment
303.131	New Section
303.250	Amendment
- 4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415] and the Organ Donor Leave Act [5 ILCS 327]
- 5) Effective Date of Amendments: April 23, 2009
- 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: 32 Ill. Reg. 19846; December 26, 2008
- 10) Has JCAR issued a Statement of Objection to the Amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all of the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were needed.
- 13) Will this rulemaking replace any emergency amendment currently in effect? Yes
- 14) Are there any amendments pending on this Part? No

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: This rulemaking includes changes to the rules regarding the allowable time increments for employees using personal, sick and vacation time. The rule regarding the sick leave bank has been changed to clarify the definitions of catastrophic illness and immediate family member and to limit the number of days an employee may use from 25 days "per calendar year" to 25 days per "12 month period." In addition, the number of paid days veterans may take off to visit a veterans' hospital or clinic has been increased from 2 days to 4 days consistent with a previous change to the Personnel Code. Also, there are several proposed changes to the maternity/paternity policy such as equalizing the number of days off given to mothers and fathers, removing the requirement that a male be married to the mother of the child in order to be given paid time off to bond with his child, and removing the requirement that proof of prenatal care, rather than just confirmation of pregnancy, be provided in order to be eligible for maternity/paternity leave. Lastly, a separate rule has been created for granting leave in the event of a stillborn child.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Margaret van Dijk  
Illinois Department of Central Management Services  
720 Stratton Office Building  
Springfield IL 62706

217/782-5778

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 303  
CONDITIONS OF EMPLOYMENT

SUBPART A: GRIEVANCE PROCEDURE

Section	
303.10	Definition of a Grievance
303.20	Procedure
303.30	Grievance Committee
303.45	Representation

SUBPART B: LEAVE OF ABSENCE

Section	
303.90	Sick Leave
303.100	Accumulation of Sick Leave
303.102	Payment in Lieu of Sick Leave
303.105	Reinstatement of Sick Leave
303.110	Advancement of Sick Leave
303.112	Sick Leave Bank
303.115	Veterans Hospital Leave
303.125	Leave for Personal Business
303.130	Maternity/Paternity and Adoption Leave
<a href="#">303.131</a>	<a href="#">Leave in the Event of a Stillborn Child</a>
303.135	On-The-Job-Injury – Industrial Disease
303.140	Leaves of Absence Without Pay
303.142	Leave to Attend Union Conventions
303.145	Disability Leave
303.148	Family Responsibility Leave
303.149	Organ Donor Leave
303.150	Employee Rights After Leave
303.153	Failure to Return
303.155	Leave to Take Exempt Position
303.160	Military and Peace Corps Leave

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

303.170	Military Reserve Training and Emergency Call-Up
303.171	Leave for Military Physical Examinations
303.175	Disaster Service Leave With Pay
303.176	Disaster Service Leave With Pay – Terrorist Attack
303.180	Attendance in Court
303.190	Authorized Holidays
303.200	Holiday Observance
303.215	Payment for Holidays
303.220	Holiday During Vacation
303.225	Eligibility for Holiday Pay
303.250	Vacation Eligibility
303.260	Prorated Vacation for Part-Time Employees
303.270	Vacation Schedule and Loss of Earned Vacation
303.290	Payment in Lieu of Vacation
303.295	Vacation Benefits on Death of Employee

## SUBPART C: WORK HOURS AND SCHEDULES

Section	
303.300	Work Schedules
303.310	Emergency Shut-Down
303.320	Overtime
303.330	Overtime Payable Upon Death
303.340	Attendance Records
303.350	Notification of Absence
303.355	Review of Attendance Records

## SUBPART D: UNDATED OR INCOMPLETE FORMS

Section	
303.360	Undated Forms
303.370	Incomplete Forms

## SUBPART E: EMPLOYEE SEPARATIONS

Section	
303.380	Reason for Separation
303.385	Repayment of Benefit Time

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART F: TUITION REIMBURSEMENT

## Section

303.390 Tuition Reimbursement

**AUTHORITY:** Implementing and authorized by the Personnel Code [20 ILCS 415] and the Organ Donor Leave Act [5 ILCS 327].

**SOURCE:** Filed May 29, 1975; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; amended at 3 Ill. Reg. 26, p. 199, effective July 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 70, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; codified at 7 Ill. Reg. 13209; emergency amendment at 8 Ill. Reg. 329, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7788, effective May 23, 1984; amended at 14 Ill. Reg. 3433, effective February 27, 1990; emergency amendment at 15 Ill. Reg. 5076, effective March 20, 1991, for a maximum of 150 days; emergency expired August 17, 1991; amended at 15 Ill. Reg. 5214, effective April 2, 1991; amended at 15 Ill. Reg. 14067, effective September 12, 1991; amended at 16 Ill. Reg. 8368, effective May 21, 1992; amended at 17 Ill. Reg. 5587, effective March 29, 1993; amended at 19 Ill. Reg. 8130, effective June 7, 1995; amended at 19 Ill. Reg. 11775, effective August 7, 1995; emergency amendment at 21 Ill. Reg. 11291, effective July 22, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15454, effective November 24, 1997; amended at 23 Ill. Reg. 13815, effective November 4, 1999; emergency amendment at 24 Ill. Reg. 16694, effective October 27, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 4847, effective March 19, 2001; emergency amendment at 25 Ill. Reg. 12429, effective September 14, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1138, effective January 18, 2002; amended at 27 Ill. Reg. 9008, effective May 23, 2003; emergency amendment at 28 Ill. Reg. 9677, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; emergency amendment at 28 Ill. Reg. 13795, effective October 1, 2004, for a maximum of 150 days; emergency expired February 27, 2005; amended at 28 Ill. Reg. 16308, effective December 3, 2004; amended at 30 Ill. Reg. 329, effective December 30, 2005; amended at 30 Ill. Reg. 13857, effective August 2, 2006; emergency amendment at 32 Ill. Reg. 19944, effective December 9, 2008, for a maximum of 150 days; amended at 33 Ill. Reg. 6503, effective April 23, 2009.

## SUBPART B: LEAVE OF ABSENCE

**Section 303.90 Sick Leave**

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- a) All employees, excepting those in emergency, intermittent, per diem or temporary status, unless such status is the result of accepting a non-permanent working assignment in another class, shall accumulate sick leave at the rate of one day for each month's service. Sick leave may be used for illness, disability or injury of the employee, appointments with doctor, dentist or other professional medical practitioner and also may be used in the event of serious illness, disability, injury or death of a member of the employee's immediate family. The operating agency or the Department may require evidence to substantiate that such leave days were used for the purpose herein set forth for periods of absence of ten consecutive workdays, or less. For periods of absence of more than ten consecutive workdays the employee shall provide verification for such absence in accordance with the provisions of Section 303.145. Beginning with calendar year 1995, in the event an employee does not use sick leave in any calendar year, the employee shall be awarded one (1) additional personal day on January 1 of the next calendar year. Beginning with July 1, 1997, a part-time employee who works at least half time shall be awarded pro-rated additional personal leave on January 1 when the employee has not used sick leave during the previous calendar year. A calendar year for purposes of this provision is the period beginning January 1 and ending December 31 of each year. Such additional personal day shall be used in accordance with Section 303.125.
- b) [Sick time may be taken in increments of not less than one-quarter hour after a minimum use of one-half hour any time after it is earned.](#)

(Source: Amended at 33 Ill. Reg. 6503, effective April 23, 2009)

**Section 303.112 Sick Leave Bank**

- a) This Section contains rules governing the operation of plans allowing participating employees in each Agency to bank portions of their accrued sick leave in a sick leave bank to be used by participating employees in the same agency who have exhausted their accrued vacation time, personal days, sick leave or compensatory time. These rules provide a framework within which each Agency may administer a sick leave bank. Individual Agency procedures should be consistent with the framework set forth in these rules unless alternative procedures have been agreed upon pursuant to collective bargaining negotiations.
- b) Definitions

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) *"Agency" means any branch, department, board, committee or commission of State government, but does not include units of local government, school districts or boards of election commissioners [5 ILCS 400/5.10].*
  - 2) *"Sick leave bank" means a depository into which participating employees may donate accrued sick leave time for allocation to other participating employees [5 ILCS 400/5.15].*
  - 3) *"Participating employee" means a permanent full- or part-time employee who has been employed by a State agency for a period of 6 months or more who voluntarily enrolls in the sick leave bank by depositing at least one full day of accrued sick leave in that bank [5 ILCS 400/5.20]. An employee who wishes to enroll must have a minimum of 5 days of accrued sick time on the books.*
  - 4) "Catastrophic illness or injury" means temporary disability or incapacity resulting from a life threatening illness or injury or illness or injury of other catastrophic proportion as determined by the Director. Factors considered by the Director shall include the length of time the employee must be absent from work due to illness or injury. Catastrophic illness or injury may be due to, but not limited to, cancer, heart disease, stroke or another serious illness or injury resulting in an employee missing more than 25 work days.
  - 5) "Personal catastrophic illness or injury" means a catastrophic illness or injury to the employee or, if agreed upon by the Agency Head and the Director, members of the employee's immediate family. Factors to be considered in determining if an employee's immediate family members are covered include the nature and duration of the catastrophic illness or injury; whether the person is financially and emotionally dependent on the employee; whether the presence of the employee is needed; and whether ~~these~~ individuals are covered pursuant to collective bargaining negotiations. Immediate family shall mean spouse, child, parent or any person living in the employee's household for whom the employee has custodial responsibility.
- c) Participation in the sick leave bank is voluntary on the part of any employee. Employees wishing to participate must be permanent full-time or part-time

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

employees with a minimum of 6 months of service.

- d) *A participating employee may deposit into the sick leave bank as much accrued sick leave as desired provided that the participating employee shall retain in his or her own account at least 5 sick days* [5 ILCS 400/10(b)].
- e) Employees may voluntarily enroll at any time. Employees ~~shall who enroll within 30 calendar days after the establishment of a sick leave bank by an Agency must wait 30 calendar days before utilizing the sick leave bank. Employees who enroll more than 30 days after the establishment of a sick leave bank by an Agency must wait 60 calendar days after enrollment before utilizing the sick leave bank.~~
- f) An employee may use up to 25 work days from the sick leave bank per ~~12-month period, calendar year~~ except that participating employees shall not use sick leave accumulated in the sick leave bank until all of their accrued vacation, personal days, sick leave and compensatory time have been used. The Director may approve limits of other than 25 work days per ~~12-month period~~year. Factors considered in determining if an alternate limit should be approved include:
- 1) the personnel jurisdiction governing the Agency and employees in question;
  - 2) whether limits have been established through collective bargaining negotiations;
  - 3) the desire for uniformity among Agency plans;
  - 4) operational needs of the Agency.
- g) Any sick leave in the sick leave bank used by a participating employee shall be only for the personal catastrophic illness or injury of the employee and may not be transferred, returned or used for any other purpose.
- h) Each State agency shall develop procedures, consistent with this Section, for establishing a single sick leave bank for all agency employees.
- i) Injuries and illnesses that are compensable under the Workers' Compensation Act [820 ILCS 305] or Workers' Occupational Disease Act [820 ILCS 310] shall not be eligible for sick leave bank use.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- j) *Participating employees who transfer from one agency to another may transfer their participation in the sick leave bank [5 ILCS 400/10(f)].*
- k) An employee shall not be eligible to withdraw the sick leave time he or she has contributed to the bank.
- l) Decisions affecting a participating employee's use of the sick leave bank may be submitted by the employee to a review committee. Unless otherwise approved by the Department, the committee shall consist of one Agency representative and two Department representatives. In determining if alternative committee membership should be approved, the Department shall consider the jurisdiction governing the Agency or employees in question. Decisions of review committees shall be final and binding.
- m) *Any abuse of the use of the sick leave bank shall be investigated by the agency and the Department and upon a finding of wrongdoing on the part of a participating employee, that employee shall repay all sick leave days drawn from the sick leave bank and shall be subject to other disciplinary action [5 ILCS 400/10(h)].*

(Source: Amended at 33 Ill. Reg. 6503, effective April 23, 2009)

**Section 303.115 Veterans Hospital Leave**

*An employee who is also a veteran shall be permitted 42 days with pay per year to visit a veterans hospital or clinic for examination of a military service-connected disability. The 42 days shall not be charged against any sick leave currently available to the employee [20 ILCS 415/8b.20](Ill. Rev. Stat., ch. 127, par. 63b108b.20).*

(Source: Amended at 33 Ill. Reg. 6503, effective April 23, 2009)

**Section 303.125 Leave for Personal Business**

- a) All employees, excepting those in emergency, per diem or temporary status shall be permitted 3 personal days off each calendar year with pay. Beginning with calendar year 1995, in the event an employee does not use sick leave in any calendar year, the employee shall be awarded 1 additional personal day on January 1 of the next calendar year. Beginning with July 1, 1997, a part-time

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

employee who works at least half-time shall be awarded pro-rated additional personal leave on January 1 when the employee has not used sick leave during the previous calendar year. A calendar year for purposes of this provision is the period beginning January 1 and ending December 31 of each year. Such personal days may be used for such occurrences as observance of religious holidays, Christmas shopping, absence due to severe weather conditions, or for other similar personal reasons, but shall not be used to extend a holiday or annual leave except as permitted in advance by the operating agency through prior written approval. Employees entitled to receive such leave who enter service during the year shall be given credit for such leave at the rate of  $\frac{1}{2}$  day for each 2 months service for the calendar year in which hired. Such personal leave may not be used in increments of less than  ~~$\frac{1}{2}$  hour~~ 2 hours at a time. Except for those emergency situations which preclude the making of prior arrangements, such days off shall be scheduled sufficiently in advance to be consistent with operating needs of the employer. Supervisors may, however, grant employee requests to use personal leave in increments of  ~~$\frac{1}{4}$~~   $\frac{1}{2}$  hour, after a minimum use of  ~~$\frac{1}{2}$~~  1 hour.

- b) Personal leave shall not accumulate from calendar year to calendar year; nor shall any employee be entitled to payment for unused personal leave upon separation from the service except as provided in Section 8c(2) of the Personnel Code. The accrued leave amount paid under this Section of the Personnel Code shall be certified in writing to the employee by the employing agency. This certification may be held by the employee or forwarded to the Retirement System.

(Source: Amended at 33 Ill. Reg. 6503, effective April 23, 2009)

**Section 303.130 Maternity/Paternity and Adoption Leave**

- a) All employees who provide proof of their pregnancy or that of their female partner at least 30 days prior to the expected due date ~~All female employees who show proof that they have received prenatal care in the first 20 weeks~~ will be eligible for 4 weeks (20 work days) of paid maternity/paternity leave. ~~Such proof shall be provided to the employer no later than the 24<sup>th</sup> week of pregnancy. All male employees who show proof that their spouses have received prenatal care in the first 20 weeks, with notification to the employer within 24 weeks, will be eligible for 3 weeks (15 work days) of paid paternity leave.~~ The State shall require proof of the birth ~~and marriage for a non-covered spouse~~. Maternity and/or paternity leave shall be limited to 1 leave per family for each pregnancy resulting in birth or multiple births. In addition, non-married male employees

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

may be required to provide proof of paternity such as a birth certificate or other appropriate documentation confirming paternity.

- b) All employees are eligible for 43 weeks (2015 work days) of paid leave with a new adoption, with the leave to commence when physical custody of the child or children has been granted to the employeemember, provided that the employee can show that the formal adoption process is underway. The agency personnel office must be notified and the employee must submit proof that the adoption has been initiated. Adoption leave shall be limited to 1 leave per adoptionfamily per year.

(Source: Amended at 33 Ill. Reg. 6503, effective April 23, 2009)

**Section 303.131 Leave in the Event of a Stillborn Child**

All employees who provided proof of their pregnancy or that of their female partner at least 30 days prior to the expected due date will be eligible for 4 weeks (20 work days) of paid leave in the event of a full-term stillborn child. The State shall require proof of a stillbirth, such as a fetal death certificate or certificate of stillbirth. This leave shall be limited to 1 leave per family for each stillbirth. In addition, non-married male employees may be required to provide proof of paternity.

(Source: Added at 33 Ill. Reg. 6503, effective April 23, 2009)

**Section 303.250 Vacation Eligibility**

- a) Employees, except emergency and; temporary employeesand those paid pursuant to 80 Ill. Adm. Code 310.230, shall earn vacation time. No employee on leave of absence may earn vacation except when the leave was for the purpose of accepting a temporary working assignment in another class.
- b) Eligible employee shall earn vacation time in accordance with the following schedule:
- 1) From the date of hire until the completion of 5 years of continuous service: 10 workdays per year of employment.
  - 2) From the completion of 5 years of continuous service until the completion of 9 years of continuous service: 15 workdays per year of employment.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 3) From the completion of 9 years of continuous service until the completion of 14 years of continuous service: 17 workdays per year of employment.
  - 4) From the completion of 14 years of continuous service until the completion of 19 years of continuous service: 20 workdays per year of employment.
  - 5) From the completion of 19 years of continuous service until the completion of 25 years of continuous service: 22 workdays per year of employment.
  - 6) From the completion of 25 years of continuous service: 25 workdays per year of employment.
- c) Vacation time may be taken in increments of not less than ~~¼~~<sup>1/2</sup> hour after a minimum use of ~~1/2~~<sup>1/2</sup> hour any time after it is earned. Vacation time shall not be accumulated for more than 24 months after the end of the calendar year in which it is earned.
  - d) Vacation time shall be earned in workdays and computed in hours. After an employee's earned vacation time has been so computed, if there remains a fractional balance of ½ hour or less, the employee shall be deemed to have earned vacation time of ½ hour in lieu of the fractional balance; if there remains a fractional balance of more than ½ hour, the employee shall be deemed to have earned a full hour of vacation time in lieu of a fractional balance.
  - e) Computation of vacation time of State employees who have interrupted continuous State service shall be determined as though all previous State service ~~that~~<sup>which</sup> qualified for earning of vacation benefits is continuous with present service. This subsection (e) applies to vacation time earned on or after October 1, 1972.

(Source: Amended at 33 Ill. Reg. 6503, effective April 23, 2009)

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procedures for Operation of the Potentially Infectious Medical Waste Transporter Fee System
- 2) Code Citation: 35 Ill. Adm. Code 1450
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1450.100	Amendment
1450.101	Amendment
1450.105	Amendment
1450.202	Amendment
1450.300	Amendment
1450.301	Amendment
- 4) Statutory Authority: Section 56.6 of the Environmental Protection Act [415 ILCS 5/56.6]
- 5) Effective Date of Amendments: April 23, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the amendments, including any material incorporated by reference, is on file in the Agency's principal office and is available for inspection.
- 9) Notice of Proposal Published in Illinois Register: October 17, 2008; 32 Ill. Reg. 16662
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Capitalization of "Pasteur" at Section 1450.100(c)(1)(D).
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: Public Act 93-32, effective June 20, 2003, changed the per pound fee at Section 56.6(a) of the Environmental Protection Act. Thus, a change at Section 1450.300 removes the reference to a specific fee amount and replaces it with a generic reference to the fee required by Section 56.6(a) of the Act to avoid updates whenever fee amounts change. Also, in response to an adjusted standard granted by the Illinois Pollution Control Board in AS08-02, at Section 1450.105, language is added allowing the Agency to provide the same change by permit. Minor changes include the following: at Sections 1450.202 and 1450.301, the address for payment is updated; at Section 1450.100(c)(8)-(10), the definition structure is corrected to mirror the statutory language; and at Section 1450.101, a statutory reference is added.
- 16) Information and questions regarding the adopted amendments shall be directed to:

Stephanie Flowers, Assistant Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

217/782-5544

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

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE M: BIOLOGICAL MATERIALS  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

## PART 1450

PROCEDURES FOR OPERATION OF THE POTENTIALLY INFECTIOUS  
MEDICAL WASTE TRANSPORTER FEE SYSTEM

## SUBPART A: GENERAL PROVISIONS

## Section

1450.100	Definitions
1450.101	Applicability
1450.102	Exemptions from PIMW Transporter Fee System
1450.103	Retention of Records
1450.104	Certification of Documents
1450.105	Certification of Weight
1450.106	Severability

## SUBPART B: PROCEDURES FOR MAINTAINING REPORTS

## Section

1450.200	Daily PIMW Report
1450.201	Monthly PIMW Report
1450.202	Quarterly PIMW Report
1450.203	Supplemental PIMW Report

## SUBPART C: PROCEDURES FOR THE PAYMENT OF PIMW TRANSPORTER FEES

## Section

1450.300	Quarterly Submission of Payment of PIMW Transporter Fee
1450.301	Manner of Payment

AUTHORITY: Implementing and authorized by Section 56.6 of the Environmental Protection Act [415 ILCS 5/56.6].

SOURCE: Adopted at 17 Ill. Reg. 20268, effective November 15, 1993; amended at 33 Ill. Reg. 6515, effective April 23, 2009.

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART A: GENERAL PROVISIONS

**Section 1450.100 Definitions**

Except as stated in this Section, the definition of words or terms in this Part shall be the same as those used in the Act.

- a) "Act" means the Environmental Protection Act (~~Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1001 et seq., including P.A. 87-1097, effective September 15, 1992~~) [415 ILCS 5].
- b) "Designated facility" means a facility that treats, stores, transfers or disposes of PIMW.
- c) "*Potentially infectious medical waste*" ~~or ("PIMW")~~ =
- 1) *means the following types of waste generated in connection with the diagnosis, treatment (i.e., provision of medical services), or immunization of human beings or animals; research pertaining to the provision of medical services; or the production or testing of biologicals:*
- A+) *Cultures and stocks. This waste shall include but not be limited to cultures and stocks of agents infectious to humans, and associated biologicals; cultures from medical or pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live or attenuated vaccines; or culture dishes and devices used to transfer, inoculate, or mix cultures.*
- B2) *Human pathological wastes. This waste shall include tissue, organs, and body parts (except teeth and the contiguous structures of bone and gum), body fluids that are removed during surgery, autopsy, or other medical procedures; or specimens of body fluids and their containers.*
- C3) *Human blood and blood products. This waste shall include discarded human blood, blood components (e.g., serum and*

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENTS

*plasma), or saturated material containing free flowing blood or blood components.*

- D4) *Used sharps. This waste shall include but not be limited to discarded sharps used in animal or human patient care, medical research, or clinical or pharmaceutical laboratories; hypodermic, intravenous, or other medical needles; hypodermic or intravenous syringes; ~~Pasteur~~ pipettes; scalpel blades; or blood vials. This waste shall also include but not be limited to other types of broken or unbroken glass (including slides and cover slips) in contact with infectious agents.*
- E5) *Animal waste. Animal waste means discarded materials, including carcasses, body parts, body fluids, blood, or bedding originating from animals inoculated during research, production of biologicals, or pharmaceutical testing with agents infectious to humans.*
- F6) *Isolation waste. This waste shall include discarded materials contaminated with blood, excretions, exudates, and secretions from humans that are isolated to protect others from highly communicable diseases. "Highly communicable diseases" means those diseases identified by the Board in rules adopted under ~~subsection (e) of~~ Section 56.2(e) of ~~the~~this Act.*
- G7) *Unused sharps. This waste shall include but not be limited to the following unused, discarded sharps: hypodermic, intravenous, or other needles; hypodermic or intravenous syringes; or scalpel blades.*
- 2) ~~Potentially infectious medical waste~~ does not include:
- A8) *Waste generated as general household waste;*
- B9) *Waste (except for sharps) for which the infectious potential has been eliminated by treatment; or*
- C10) ~~Sharps~~ *sharps that meet both of the following conditions:*

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENTS

~~i)A)~~ *The infectious potential has been eliminated from the sharps by treatment; and*

~~ii)B)~~ *The sharps are rendered unrecognizable by treatment. [415 ILCS 5/3.360](Section 3.81 of the Act).*

- d) "Tare weight" means the weight of a reusable shipping container that is not permanently disposed of with the PIMW.
- e) "Transporter" means a person engaged in the off-site transportation of PIMW by highway or water.

(Source: Amended at 33 Ill. Reg. 6515, effective April 23, 2009)

**Section 1450.101 Applicability**

~~This~~The regulations of this Part ~~applies~~apply to:

- a) ~~*Transporters of PIMW required to have a permit under Section 56.1(f) of the Act and transporters of PIMW not required to have a permit under Section 56.1(f)(1)(A) of the Act if the PIMW is transported to a site or facility not owned, controlled, or operated by the transporter*~~*Transporters of PIMW required to have a permit under Section 56.1(f) of the Act and transporters of PIMW not required to have a permit under Section 56.1(f)(1)(A) of the Act if the PIMW is transported to a site or facility not owned, controlled, or operated by the transporter; and*
- b) ~~*PIMW storage sites or treatment facilities receiving PIMW if the fee has not been previously paid by a transporter*~~*PIMW storage sites or treatment facilities receiving PIMW if the fee has not been previously paid by a transporter. [415 ILCS 5/56.6(a)]*

(Source: Amended at 33 Ill. Reg. 6515, effective April 23, 2009)

**Section 1450.105 Certification of Weight**

- a) Although PIMW may be measured in other units, the transporter is responsible for

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENTS

accurately weighing any load of PIMW in pounds.

- b) The PIMW shall be weighed with a device for which certification has been obtained under the Weights and Measures Act (~~Ill. Rev. Stat. 1991, ch. 147, pars. 101 et seq.~~) [225 ILCS 470] or by another acceptable method as specified in the Agency permit.

(Source: Amended at 33 Ill. Reg. 6515, effective April 23, 2009)

## SUBPART B: PROCEDURES FOR MAINTAINING REPORTS

**Section 1450.202 Quarterly PIMW Report**

- a) The Quarterly PIMW Report shall be submitted to the Agency on a form provided by the Agency.
- b) The Quarterly PIMW Report shall include, but not be limited to, the following information:
- 1) the quarter and year received;
  - 2) the PIMW transport company name and address;
  - 3) the permitted medical waste hauler number;
  - 4) the designated facility name and location (city/state);
  - 5) the total number of PIMW manifests used for each of the three months;
  - 6) the net weight in pounds of PIMW subject to the PIMW transporter fee for each of the three months;
  - 7) the total PIMW transporter fee due for each of the three months;
  - 8) the summation of net weight in pounds of PIMW subject to the PIMW transporter fee for the current quarter and for the calendar year;
  - 9) the total PIMW transporter fee due for the current quarter and for the

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENTS

calendar year;

- 10) the supplemental PIMW transporter fee due or credited for the previous reporting [periodsperiod\(s\)](#);
  - 11) the PIMW transporter fee due or credited from the previous quarter;
  - 12) the total PIMW transporter fee paid for the quarter;
  - 13) the certification according to Section 1450.104; and
  - 14) the authorized name, signature, date and telephone number.
- c) The Quarterly PIMW Report shall be received by the Agency on or before April 15, July 15, October 15 and January 15 of each calendar year and shall cover the three calendar months preceding the receipt date.
- d) The PIMW transporter fee required to be paid under Subpart C of this Part shall be included with the submission of the Quarterly PIMW Report. The weight in pounds of PIMW subject to the PIMW transporter fee is required to be listed on each PIMW manifest.
- e) The PIMW Quarterly Report, including the payment of the PIMW transporter fee and the applicable Monthly PIMW Reports, shall be sent to the following address:

[Fiscal Services Section](#)

Illinois Environmental Protection Agency

[Division of Administration, Fiscal Services](#)

[1021 North Grand Avenue East](#)~~2200 Churchill Road~~

P.O. Box 19276

Springfield, Illinois 62794-9276

(Source: Amended at 33 Ill. Reg. 6515, effective April 23, 2009)

SUBPART C: PROCEDURES FOR THE PAYMENT OF PIMW TRANSPORTER FEES

**Section 1450.300 Quarterly Submission of Payment of PIMW Transporter Fee**

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- a) Payment of the ~~\$0.015 per pound of~~ PIMW transporter fee required by Section 56.6(a) of the Act shall ~~begin on July 1, 1992. The payment shall~~ be made on a quarterly basis with the submission of the Quarterly PIMW Report. ~~The Such~~ payment shall be received by the Agency on or before April 15, July 15, October 15 and January 15 of each year and shall cover the three preceding calendar months.
- b) If the calculation of fees under this Section results in an overpayment, the Agency shall credit this overpayment against the PIMW transporter fees due during the next quarter. The Agency shall issue no refunds.
- c) If the calculation of fees under this Section results in an underpayment of greater than ~~\$10.00~~, the amount is due to the Agency within 10 calendar days ~~after~~from receipt of an underpayment notice from the Agency.
- d) Each transporter shall notify the Agency if it intends to permanently cease transportation of PIMW. This notification shall be received by the Agency within 30 calendar days after ceasing the transportation of PIMW and include:
- 1) the name and address of the transporter;
  - 2) the date by which PIMW will cease to be transported; and
  - 3) a fee payment schedule to assure submission of fees in accordance with this Part.
- e) In the event that a transporter does not transport any PIMW for any quarter, the transporter shall submit the Quarterly PIMW Report to the Agency at the times indicated in subsection (a) of this Section and shall indicate "none" in the appropriate spaces on the ~~Quarterly~~quarterly PIMW Report

(Source: Amended at 33 Ill. Reg. 6515, effective April 23, 2009)

**Section 1450.301 Manner of Payment**

Payment shall be made by money order, cashier's check or certified check payable to the Treasurer, State of Illinois. Payment shall be mailed to the Agency at the following address:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

[Fiscal Services Section](#)

Illinois Environmental Protection Agency

[Division of Administration, Fiscal Services](#)

[1021 North Grand Avenue East](#)~~2200 Churchill Road~~

P.O. Box 19276

Springfield, Illinois 62794-9276

(Source: Amended at 33 Ill. Reg. 6515, effective April 23, 2009)

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Universities Retirement
- 2) Code Citation: 80 Ill. Adm. Code 1600
- 3) 

<u>Section Numbers:</u>	<u>Emergency Action:</u>
1600.700	New Section
1600.705	New Section
1600.710	New Section
1600.715	New Section
1600.720	New Section
1600.725	New Section
1600.730	New Section
1600.735	New Section
1600.740	New Section
1600.745	New Section
1600.750	New Section
- 4) Statutory Authority: 40 ILCS 5/15-177 and 40 ILCS 5/15-159, as amended by Public Act 96-06
- 5) Effective date of Amendments: April 27, 2009
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: This emergency amendments will expire at the end of the 150-day period, or upon adoption of the permanent rules, whichever comes first.
- 7) Date filed with the Index Department: April 27, 2009
- 8) A copy of this emergency rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for inspection.
- 9) Reason for Emergency:
  - The legislature has passed Public Act 96-006 as a retirement system ethics reform measure.

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF EMERGENCY AMENDMENTS

- Public Act 96-0006 provides that: "The terms of all [State Universities Retirement System] trustees holding office under this subsection (c) on the effective date of this amendatory Act of the 96<sup>th</sup> General Assembly shall terminate on that effective date [April 3, 2009]. \* \* \* A trustee sitting on the board on the effective date of this amendatory Act of the 96<sup>th</sup> General Assembly may not hold over in office for more than 90 days after the effective date of this amendatory Act of the 96<sup>th</sup> General Assembly." 40 ILCS 5/15-159(c) (as amended by P.A. 96-0006, effective April 3, 2009).
  - Public Act 96-0006 further provides that as of July 1, 2009, the State Universities Retirement System Board of Trustees will be constituted to include six elected trustees, who "shall be elected within 90 days after the effective date of this amendatory Act of the 96<sup>th</sup> General Assembly [by July 2, 2009] ...." 40 ILCS 5/15-159(e) (as amended by P.A. 96-0006, effective April 3, 2009).
  - That the procedures used to conduct the necessary elections are a matter of public interest or welfare because a majority of the trustees of the State Universities Retirement System Board of Trustees are to be chosen by these elections.
  - That lack of uniform, enforceable procedures to conduct the necessary elections would reasonably constitute a threat to the public interest or welfare in that the State Universities Retirement System Board of Trustees' ability to function would be compromised.
- 10) A Complete Description of the Subjects and Issues Involved: Prior to P.A. 96-006, all members of the SURS Board were appointed by the Governor. These emergency amendments establish the procedures for holding a Trustee election. In order to notify the membership and other interested parties of the Emergency Rules and the upcoming election, the following measures have been taken:
- On April 15, 2009, a letter was mailed to SURS members and annuitants announcing the election. The letter was also made available on the SURS website at [www.surs.org](http://www.surs.org).
  - An Election section was added to the SURS website. The website includes a Board Election Packet, which includes substantially these amendments adopted as a Board Policy, as well as other pertinent information.

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF EMERGENCY AMENDMENTS

- These emergency amendments will be posted as such to the Election section of the SURS website prior to filing.

11) Are there any proposed rulemakings to this Part pending: Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1600.600	Amendment	33 Ill. Reg. 2125; February 6, 2009
1600.605	Amendment	33 Ill. Reg. 2125; February 6, 2009
1600.610	Amendment	33 Ill. Reg. 2125; February 6, 2009
1600.615	Amendment	33 Ill. Reg. 2125; February 6, 2009
1600.620	Amendment	33 Ill. Reg. 2125; February 6, 2009
1600.625	Amendment	33 Ill. Reg. 2125; February 6, 2009
1600.630	Amendment	33 Ill. Reg. 2125; February 6, 2009
1600.635	Amendment	33 Ill. Reg. 2125; February 6, 2009
1600.640	Amendment	33 Ill. Reg. 2125; February 6, 2009
1600.645	Amendment	33 Ill. Reg. 2125; February 6, 2009
1600.650	Amendment	33 Ill. Reg. 2125; February 6, 2009
1600.655	Amendment	33 Ill. Reg. 2125; February 6, 2009
1600.660	Amendment	33 Ill. Reg. 2125; February 6, 2009
1600.665	Amendment	33 Ill. Reg. 2125; February 6, 2009

12) Statement of statewide policy objectives: These emergency amendments do not create or expand a State mandate.13) Information and questions regarding these emergency amendments shall be directed to:

Mr. Kelly Jenkins  
 General Counsel  
 State Universities Retirement System  
 1901 Fox Drive  
 Champaign, IL 61820

217-378-8825

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

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE D: RETIREMENT SYSTEMS  
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEMPART 1600  
UNIVERSITIES RETIREMENT

## SUBPART A: GENERAL

## Section

- 1600.100 Definitions
- 1600.110 Freedom of Information Act
- 1600.120 Open Meetings Act
- 1600.130 Procurement

## SUBPART B: CONTRIBUTIONS AND SERVICE CREDIT

## Section

- 1600.202 Return to Employment
- 1600.203 Independent Contractors
- 1600.205 Compensation Subject to Withholding
- 1600.210 Crediting Interest on Participant Contributions and Other Reserves
- 1600.220 Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
- 1600.230 Election to Pay Contributions Based upon Employment that Preceded Certification as a Participant
- 1600.240 Election to Make Contributions Covering Periods of Military Leave Protected under USERRA
- 1600.250 Sick Leave Accrual Schedule
- 1600.260 Part-time/Concurrent Service Adjustment
- 1600.270 Employer Contributions for Benefit Increases Resulting from Earnings Increases Exceeding 6%

## SUBPART C: CLAIMS PROCEDURE AND EVIDENTIARY REQUIREMENTS

## Section

- 1600.300 Effective Beneficiary Designations
- 1600.305 Full-Time Student Survivors Insurance Beneficiaries
- 1600.310 Dependency of Beneficiaries

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF EMERGENCY AMENDMENTS

1600.320 Procedures to be Followed in Medical Evaluation of Disability Claims

## SUBPART D: BENEFIT CALCULATION AND PAYMENT

## Section

1600.400 Determination of Final Rate of Earnings Period  
1600.410 Twenty Percent Limitation on Final Rate of Earnings Increases  
1600.420 Making Preliminary Estimated Payments  
1600.430 Excess Benefit Arrangement  
1600.431 Indirect Payments to Minors and Legally Disabled Persons  
1600.432 Indirect Payments to Child Survivors Through the Surviving Spouse  
1600.440 Voluntary Deductions from Annuity Payments  
1600.450 Overpayment Recovery

## SUBPART E: ADMINISTRATIVE REVIEW

## Section

1600.500 Rules of Practice – Nature and Requirements of Formal Hearings

## SUBPART F: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

## Section

1600.600 Definitions  
1600.605 Requirements for a Valid Qualified Illinois Domestic Relations Order  
1600.610 Curing Minor Deficiencies  
1600.615 Filing a QILDRO with the System  
1600.620 Modified QILDROs  
1600.625 Benefits Affected by a QILDRO  
1600.630 Effect of a Valid QILDRO  
1600.635 QILDROs Against Persons Who Became Members Prior to July 1, 1999  
1600.640 Alternate Payee's Address  
1600.645 Electing Form of Payment  
1600.650 Automatic Annual Increases  
1600.655 Expiration of a QILDRO  
1600.660 Reciprocal Systems QILDRO Policy Statement  
1600.665 Providing Benefit Information for Divorce Purposes

| [SUBPART G: BOARD TRUSTEE ELECTION](#)

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF EMERGENCY AMENDMENTS

Section1600.700      Nomination of CandidatesEMERGENCY1600.705      Election Date/Election Day – DefinedEMERGENCY1600.710      PetitionsEMERGENCY1600.715      Eligible VotersEMERGENCY1600.720      Election MaterialsEMERGENCY1600.725      Marking of BallotsEMERGENCY1600.730      Return of Ballots and Ballot Counting ProcessEMERGENCY1600.735      Observation of Ballot CountingEMERGENCY1600.740      Certification of Ballot CountingEMERGENCY1600.745      Challenges to Ballot CountingEMERGENCY1600.750      Special Election to Fill Elected Trustee Seats InitiallyEMERGENCY

AUTHORITY: Implementing and authorized by Section 15-177 of the Illinois Pension Code [40 ILCS 5/15-177].

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; expedited correction at 28 Ill. Reg. 7575, effective January 23, 2004; amended

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF EMERGENCY AMENDMENTS

at 29 Ill. Reg. 2729, effective March 1, 2005; amended at 29 Ill. Reg. 11819, effective July 12, 2005; amended at 29 Ill. Reg. 14060, effective September 1, 2005; amended at 29 Ill. Reg. 14351, effective September 6, 2005; amended at 30 Ill. Reg. 6170, effective March 21, 2006; amended at 30 Ill. Reg. 7778, effective April 5, 2006; amended at 30 Ill. Reg. 9911, effective May 9, 2006; amended at 30 Ill. Reg. 17509, effective October 19, 2006; amended at 31 Ill. Reg. 4267, effective February 22, 2007; amended at 31 Ill. Reg. 4927, effective March 12, 2007; recodified at 31 Ill. Reg. 10194; amended at 32 Ill. Reg. 16515, effective September 25, 2008; emergency amendment at 33 Ill. Reg. 6525, effective April 27, 2009, for a maximum of 150 days.

SUBPART G: BOARD TRUSTEE ELECTIONSection 1600.700 Nomination of Candidates  
EMERGENCY

- a) Any candidate for a vacant contributing membership position on the System's Board of Trustees:
  - 1) Shall be, on the date voter eligibility is determined pursuant to Section 1600.715, an employee who has been certified as a SURS covered employee by the employee's employer and an employee for whom employee contributions have been received in the previous 31 days;
  - 2) Shall be nominated by a written petition for a single candidate only, signed by no fewer than 400 individuals who, as of the date of signing, were participants.
- b) Any candidate for a vacant annuitant position on the System's Board of Trustees:
  - 1) Must have been an annuitant for at least one full year prior to the date of the election;
  - 2) Shall be nominated by a written petition for a single candidate only, signed by no fewer than 100 individuals who, as of the date of signing, were annuitants.
- c) For purposes of determining whether a SURS member is a contributing member, participant, or annuitant pursuant to this Subpart G:

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF EMERGENCY AMENDMENTS

- 1) A SURS member who is a contributing member or participant in the Self-Managed Plan, described in Section 15-158.2 of the Pension Code, is eligible under the same terms as SURS members who are in the traditional or portable benefit package, described in Sections 15-103.1 and 15-103.2, respectively, of the Pension Code, and a benefit recipient pursuant to an annuity contract purchased under the self-managed plan is an annuitant.
  - 2) A SURS member receiving a preliminary estimated payment pursuant to Section 1600.420 is an annuitant;
  - 3) A SURS member receiving a disability pursuant to Section 15-150 of the Illinois Pension Code is not an annuitant and is not a contributing member, but is a participant;
  - 4) An alternate payee as defined by Section 1600.600 is not an annuitant, a contributing member, or a participant.
- d) Petitions may be circulated for signatures by any individual or entity for a period of time as follows:
- 1) For a regular election, commencing the November 1 immediately preceding the election date and ending with the time for filing the petition with the Board Secretary, as provided in Section 1600.710(b)(5);
  - 2) For a special election as provided for in Section 1600.750, commencing the date that the Board Secretary announces that a special election will be held and for a four-week period thereafter.
- e) An individual eligible to sign a petition nominating a candidate for a vacant contributing membership position on the Board may sign petitions for as many contributing membership position candidates as desired.
- f) An individual eligible to sign a petition nominating a candidate for a vacant annuitant position on the Board may sign petitions for as many annuitant candidates as desired.

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF EMERGENCY AMENDMENTS

(Source: Added by emergency rulemaking at 33 Ill. Reg. 6525, effective April 27, 2009, for a maximum of 150 days)

**Section 1600.705 Election Date/Election Day – Defined**  
**EMERGENCY**

- a) For a regular election, the term "Election Date" or "Election Day" shall mean May 1.
- b) For a special election as provided for in Section 1600.750, the term "Election Date" or "Election Day" shall mean the date prescribed by the Board Secretary.
- c) If the Election Day falls on a Sunday, the election will be held the next day on which the System is open for business. If Election Day falls on a Saturday, Sunday or holiday, the ballots may be counted on the next regular work day observed by SURS.

(Source: Added by emergency rulemaking at 33 Ill. Reg. 6525, effective April 27, 2009, for a maximum of 150 days)

**Section 1600.710 Petitions**  
**EMERGENCY**

- a) All petitions shall be in the form adopted by the System. Petition forms may be obtained from the System, upon request of any individual or entity.
- b) A valid petition nominating a candidate for a vacant contributing membership position or a vacant annuitant position on the System's Board of Trustees shall meet the following requirements:
  - 1) On one page of the petition, the potential candidate must sign the petition as one of the nominating signatories. The signature shall constitute the potential candidate's confirmation that he or she is willing to be a candidate;
  - 2) The petition must bear the requisite number of original signatures of individuals eligible to nominate the candidate pursuant to Section 1600.700(a) or (b). A valid petition may consist of multiple pages and

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF EMERGENCY AMENDMENTS

may contain blank signature lines; however, all valid signatures must be original signatures;

- 3) Each signature of an eligible voter must be accompanied by the signing person's name (printed), address (street, city, and state), job title (if any) and SURS employer (or last SURS employer), and may, at the signing person's option, be accompanied by the last four digits of the signing person's social security number to assist the Board Secretary in verifying voter eligibility. The partial social security number shall remain confidential;
- 4) The petition shall bear the notarized signature of the individual who circulated the petition for signatures, verifying that the signatures contained on the petition were signed in that individual's presence, are genuine, and that, to the best of the circulating individual's knowledge, the persons who signed the petition were eligible to do so as provided in Section 1600.700(a) or (b);
- 5) Petitions shall be filed with and must be received by the Board Secretary during the following time periods:
  - A) For a regular election, not less than 90 nor more than 120 days prior to the Election Day;
  - B) For a special election as provided in Section 1600.750, beginning with the Board Secretary's announcement that a special election will be held and no later than the petition-filing deadline announced by the Board Secretary;
- 6) Petitions received after the prescribed petition-filing period are invalid and will be returned to the party submitting the petition for filing; and
- 7) Petitions received before the prescribed petition-filing period will not be accepted and will be returned to the party submitting the petition for filing. Nothing in this subsection (b)(7) precludes the timely re-filing of petitions filed before the prescribed petition-filing period.

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF EMERGENCY AMENDMENTS

- c) The Board Secretary, with assistance of the Board fiduciary counsel and, as necessary, third party vendors, shall determine the validity of petitions for regular elections not less than 75 days prior to the Election Day, and for special elections, not less than 20 days prior to the Election Day.
- d) Any individual may, upon reasonable notice to the System, examine the petitions that have been filed with the System with respect to the election to take place; provided, however, that in order to protect the signing participants' and annuitants' privacy and confidentiality, the examination shall only take place subject to the following limitations:
- 1) Petitions that are examined will be duplicate copies of the original petitions filed, with any confidential information redacted;
  - 2) Petitions may only be examined at the System's offices after the validity of the petitions has been verified by the Board Secretary as provided in subsection (c) of this Section; and
  - 3) Petitions may not be removed from the System's offices, copied, or duplicated by any means.

(Source: Added by emergency rulemaking at 33 Ill. Reg. 6525, effective April 27, 2009, for a maximum of 150 days)

**Section 1600.715 Eligible Voters**  
**EMERGENCY**

- a) An individual is eligible to vote for a contributing membership position on the Board of Trustees of the System if he or she was a contributing member, defined as an employee who has been certified as a SURS covered employee by the employee's employer and an employee for whom employee contributions have been received in the previous 31 days, determined as of the following dates:
- 1) For a regular election, March 1 of the year in which the election is held;
  - 2) For a special election, as provided for in Section 1600.750, the date the Board Secretary determines the validity of petitions.

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF EMERGENCY AMENDMENTS

- b) An individual is eligible to vote for a vacant annuitant position on the Board of Trustees of the System if he or she was an annuitant, determined as of the following dates:
- 1) For a regular election, March 1 of the year in which the election is held;
  - 2) For a special election, as provided for in Section 1600.750, the date the Board Secretary determines the validity of petitions.
- c) A person who is eligible to vote for a contributing membership position pursuant to subsection (a) of this Section is not eligible to vote for a vacant annuitant position.
- d) A person who is eligible to vote for a vacant annuitant position pursuant to subsection (b) of this Section is not eligible to vote for a contributing membership position.

(Source: Added by emergency rulemaking at 33 Ill. Reg. 6525, effective April 27, 2009, for a maximum of 150 days)

**Section 1600.720 Election Materials**  
**EMERGENCY**

- a) At least 10 days prior to the Election Day, the System shall mail to the eligible voter's latest address known to the System the following election materials:
- 1) A preprinted ballot listing, in order determined by random, blind lottery conducted by the Board Secretary, either the contributing membership candidates or the annuitant candidates, depending on the basis for the individual's eligible voter status as provided in Section 1600.715(a) or (b), using the entire name of each candidate in the System records on the first day nomination petitions can be accepted;
  - 2) Candidate provided biographies in the format and length specified by the Board Secretary;
  - 3) A signature card;

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF EMERGENCY AMENDMENTS

- 4) A preprinted, return envelope addressed to the System's Board; and
  - 5) A preprinted envelope marked "For Ballot Only".
- b) If an eligible voter has not received any or all of the election materials specified in subsection (a) prior to the Election Day, the eligible voter may request that the System send election materials to him or her.
- 1) Upon such request, the System shall verify that the requesting individual is an eligible voter as provided in Section 1600.715, and upon such verification shall send the eligible voter a written certification of nonreceipt, in the form prescribed by the System, and the election materials via first class U.S. mail or, if the election is less than one week away, via priority U.S. mail.
  - 2) The eligible voter shall complete the certification attesting to nonreceipt of election materials and attach it to the signature card.
- c) If previously mailed election materials are returned to the System undelivered at least one week prior to the Election Day and a forwarding address has been provided, the System shall mail election materials to the forwarding address via first class U.S. mail.

(Source: Added by emergency rulemaking at 33 Ill. Reg. 6525, effective April 27, 2009, for a maximum of 150 days)

**Section 1600.725 Marking of Ballots**  
**EMERGENCY**

A valid ballot must conform to the following requirements:

- a) All choices of candidates must be clearly indicated as directed on the ballot. If the choice is not clearly indicated as directed, the mark is invalid and will not be counted;
- b) Each eligible voter is entitled to only one vote for any particular candidate;

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF EMERGENCY AMENDMENTS

- c) With respect to a ballot on which more than one trustee is to be elected, each eligible voter may vote for only one candidate for each position to be elected. If more candidates are selected than the number of positions to be elected, the ballot is invalid and will not be counted. If the number of candidates selected is fewer than the number of positions to be elected, the selection or selections will each count as only one vote; and
- d) Handwritten entries of candidates are invalid and will not be counted.

(Source: Added by emergency rulemaking at 33 Ill. Reg. 6525, effective April 27, 2009, for a maximum of 150 days)

**Section 1600.730 Return of Ballots and Ballot Counting Process**  
**EMERGENCY**

- a) Upon receipt of the election materials specified in Section 1600.720, the eligible voter shall:
- 1) Mark his or her ballot in accordance with Section 1600.725;
  - 2) Write his or her signature and print his or her name, address and birthdate (month, day and year) on the signature card;
  - 3) Place only the completed ballot into the envelope marked "For Ballot Only";
  - 4) Place the completed signature card and the ballot envelope into the return envelope; and
  - 5) Seal and mail via U.S. mail or express delivery service the return envelope, so as to ensure that it will reach the System at or prior to 10:00 a.m. on the Election Day.
- b) Ballots must be received at the System at or prior to 10:00 a.m. on the Election Day. Ballots received after 10:00 a.m. on the Election Day are invalid and will not be counted.

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF EMERGENCY AMENDMENTS

- c) Each eligible voter must return his or her ballot to the System individually, either via U.S. mail or express delivery service. Ballots returned to the System in bulk, via hand delivery, by campus mail, or delivery other than as specified in this subsection are invalid and will not be counted.
- d) Ballots not returned in the "For Ballot Only" envelope are invalid and will not be counted.
- e) Ballots returned with an unsigned signature card or without a signature card are invalid and will not be counted.
- f) Ballots returned in any envelope other than the return envelope provided by the System are invalid and will not be counted.
- g) Upon receipt of the return envelopes according to the criteria in subsections (b), (c), and (f), the system shall open them and set aside unopened the envelopes marked "For Ballot Only" that meet the criteria provided in subsections (d) through (f).
- h) On Election Day, ballots shall be publicly opened and counted by the appointed canvassers, with assistance of the Board fiduciary counsel and, as necessary, third party vendors.
- i) When all eligible ballots have been counted and tabulated, the four contributing members and two annuitants who have received the greatest number of ballots will be elected trustees; provided, however, the Board Secretary will ascertain that no more than two of the four contributing members elected are current employees of the University of Illinois at any of the campuses (Urbana-Champaign, Chicago, or Springfield) and no more than one of the two annuitants elected was last employed prior to retirement by the University of Illinois at any of the campuses. If there are more than two such contributing members elected or more than one such annuitant elected, the two such contributing members or one such annuitant with the highest number of votes will be elected. The remaining such contributing members or such annuitants are ineligible to serve in the remaining positions. The remaining contributing member trustee positions will be filled by the contributing member nominees who are not current employees of the University of Illinois at any of the campuses and who received the greatest number of ballots. The remaining annuitant trustee positions will be filled by

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF EMERGENCY AMENDMENTS

annuitant nominees who were not last employed prior to retirement by the University of Illinois at any of the campuses and who received the greatest number of ballots. In case of a tie, the contributing member nominee or annuitant nominee that will be elected will be determined by blind, random drawing. The results of the election process then will be declared by the Board Secretary.

- j) At the initial special election to fill trustee seats immediately, the elected candidates in each category (contributing membership or annuitant membership) will be assigned to a 3 year or 6 year term pursuant to Section 15-159(d) of the Code by a blind, random selection process administered by the Board Secretary.
- k) The Board Secretary will certify to the Board the elected trustees by category and term of office. The Board Secretary will further certify the place of employment for each contributing member and the last place of employment prior to retirement for each annuitant.

(Source: Added by emergency rulemaking at 33 Ill. Reg. 6525, effective April 27, 2009, for a maximum of 150 days)

**Section 1600.735 Observation of Ballot Counting**  
**EMERGENCY**

- a) Each candidate may designate a poll watcher, in addition to the candidate, to observe the ballot counting, which shall take place on the Election Day; provided, however, that each candidate is entitled to no more than two poll watchers, including the candidate. Each poll watcher shall comply with the following rules:
  - 1) The poll watcher may arrive no earlier than 7:45 a.m. on the Election Day;
  - 2) Upon arrival, the poll watcher shall identify him or herself and the candidate, organization or association that he or she represents. Only individuals the System can verify are properly authorized to represent the candidate, organization or association that they purport to represent will be allowed to observe as poll watchers;
  - 3) While on the polling premises, the poll watcher shall, at all times, wear the tag provided identifying him or her as a poll watcher;

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF EMERGENCY AMENDMENTS

- 4) The poll watcher is only authorized to be present in the area or areas designated by the election coordinator;
  - 5) The poll watcher shall not move from one authorized location to another or otherwise move about the premises without an escort provided by the election coordinator;
  - 6) The poll watcher's function is limited to visual observation and taking notes, if desired. No challenges or disruptions of any kind to the ballot counting process shall be permitted during the observation of the ballot counting process;
  - 7) The poll watcher shall not speak with any person identified as a canvasser, judge, or data entry personnel in connection with the ballot counting process;
  - 8) The poll watcher may stand behind ballot counting tables and data entry workstations at a reasonable distance; provided, however, that no physical contact with ballots, signature cards, counting tables, data entry equipment, canvassers, judges, or data entry personnel shall be allowed;
  - 9) The poll watcher must leave the premises when all of the ballots have been counted; and
  - 10) Any poll watcher who does not adhere to the rules set forth in this subsection (a) shall forfeit any continued right to observe the ballot counting process and will be asked to leave the premises immediately. If the disruptive conduct continues, the poll watcher will be escorted from the premises.
- b) Any member of the public may observe the ballot counting process only from the area specifically designated by the election coordinator for public observers. Each public observer shall comply with the following rules:
- 1) The observer may arrive no earlier than 8:30 a.m. on the Election Day;
  - 2) Upon arrival, the observer shall identify him or herself;

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF EMERGENCY AMENDMENTS

- 3) While on the polling premises, the observer shall, at all times, wear the tag provided identifying him or her as a public observer;
- 4) The observer is only authorized to be present in the area specifically designated by the election coordinator for public observers;
- 5) The observer shall not move about the premises;
- 6) The observer's function is limited to visual observation and taking notes, if desired. No challenges or disruptions of any kind to the ballot counting process shall be permitted during the observation of the ballot counting process;
- 7) The observer shall not speak with any person identified as a canvasser, judge, or data entry personnel in connection with the ballot counting process;
- 8) No physical contact with ballots, signature cards, counting tables, data entry equipment, canvassers, judges, or data entry personnel shall be allowed;
- 9) The observer must leave the premises when all of the ballots have been counted; and
- 10) Any observer who does not adhere to the rules set forth in this subsection (b) shall forfeit any continued right to observe the ballot counting process and will be asked to leave the premises immediately. If the disruptive conduct continues, the observer will be escorted from the premises.

(Source: Added by emergency rulemaking at 33 Ill. Reg. 6525, effective April 27, 2009, for a maximum of 150 days)

**Section 1600.740 Certification of Ballot Counting**  
**EMERGENCY**

The System's ballot tabulating system shall be certified in writing by an independent consultant. The certification shall provide that the System's ballot tabulation process correctly tabulates ballots.

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF EMERGENCY AMENDMENTS

(Source: Added by emergency rulemaking at 33 Ill. Reg. 6525, effective April 27, 2009, for a maximum of 150 days)

**Section 1600.745 Challenges to Ballot Counting****EMERGENCY**

- a) Any challenge to the ballot counting shall be made in the following manner:
- 1) Only those candidates, organizations or associations that had a poll watcher present during the ballot counting, in accordance with Section 1600.735(a), or a public observer present during the ballot counting in accordance with Section 1600.735(b), shall have standing to challenge the ballot counting.
  - 2) The challenger shall submit a written statement identifying the specific aspects of the ballot counting process that are being challenged.
  - 3) All challenges shall be submitted to the Board Secretary no later than 7 days after the Election Day. Any challenge submitted more than 7 days after the Election Day shall not be considered.
- b) For a regular election, the written statement timely submitted in accordance with subsection (a) shall be presented and considered by the Board at the next regularly scheduled meeting of the Board. The challenger shall have no right to appear at the Board meeting. The Board shall, in its sole discretion, determine what steps, if any, need to be taken in response to the challenge, including, but not limited to, modifying the election results declared. For a special election, the written statement timely submitted in accordance with subsection (a) shall be presented to and considered by the Board President or Chair, who shall, in his or her sole discretion, determine what steps, if any, need to be taken in response to the challenge, including, but not limited to, modifying the election results declared. If the Board President or Chair has a conflict of interest, the Board Vice-President or Vice-Chair will assume these responsibilities. If the Board Vice-President or Vice-Chair also has a conflict of interest, the Board Treasurer will assume these responsibilities. If all other Board officers have a conflict of interest, the Board Secretary will assume these responsibilities.

## STATE UNIVERSITIES RETIREMENT SYSTEM

## NOTICE OF EMERGENCY AMENDMENTS

- c) In the event that election results have already been declared, the election results shall remain valid pending determination of any challenge.
- d) A written notice of the final determination shall be sent to the challenger and all candidates within 7 days after making the determination. This notice shall constitute a final administrative decision of the SURS Board for purposes of judicial review.

(Source: Added by emergency rulemaking at 33 Ill. Reg. 6525, effective April 27, 2009, for a maximum of 150 days)

**Section 1600.750 Special Election to Fill Elected Trustee Seats Initially  
EMERGENCY**

The Board secretary will notify the System's membership that a special election will be held as soon as administratively feasible after April 3, 2009 and will announce the schedule for the special election, which will include the following:

- a) The time period for circulating petitions for nominating signatures;
- b) The deadline for filing petitions with the System;
- c) The date the Board Secretary will verify the validity of petitions;
- d) The date ballots will be sent to eligible voters;
- e) The Election Date; and
- f) The date results of the election will be declared by the Board Secretary.

(Source: Added by emergency rulemaking at 33 Ill. Reg. 6525, effective April 27, 2009, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION  
TO PROPOSED RULEMAKING

ENVIRONMENTAL PROTECTION AGENCY

Heading of the Part: Permit Fees for Installing or Extending Water Main

Code Citation: 35 Ill. Adm. Code 690

Section Numbers: 690.102  
690.103  
690.201  
690.203  
690.301

Date Originally Published in the Illinois Register: 12/26/08  
32 Ill. Reg. 19849

At its meeting on 4/21/09, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that EPA be more timely in updating its rules to reflect statutory changes.

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

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION  
TO PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Loan Repayment Assistance for Dentists

Code Citation: 77 Ill. Adm. Code 580

Section Numbers: 580.100      580.220  
580.110      580.230  
580.200      580.240  
580.210

Date Originally Published in the Illinois Register: 9/5/08  
32 Ill. Reg. 14455

At its meeting on 4/21/09, the Joint Committee on Administrative Rules objected to the Department of Public Health's rulemaking titled Loan Repayment Assistance for Dentists (77 Ill. Adm. Code 580; 32 Ill. Reg. 14455) due to DPH's lack of timeliness in proposing rules to reflect statutory changes. The underlying statute was effective in 2007 and the program was funded, but DPH is just now implementing the program.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO  
EMERGENCY RULEMAKING

## DEPARTMENT OF HUMAN SERVICES

Heading of the Part: Temporary Assistance for Needy Families

Code Citation: 89 Ill. Adm. Code 112

Section Numbers: 112.252  
112.253  
112.254

Date Originally Published in the Illinois Register: 4/3/09  
33 Ill. Reg. 4977

At its meeting on 4/21/09, the Joint Committee on Administrative Rules objected to the Department of Human Services' use of emergency rulemaking to adopt rules titled Temporary Assistance for Needy Families (89 Ill. Adm. Code 112; 33 Ill. Reg. 4977) because the Department waited 8½ months to implement budgetary provisions that were effective 7/1/08. The adoption of this rulemaking reflects an agency-created emergency, in contravention of Section 5-45 of the Illinois Administrative Procedure Act.

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

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO  
EMERGENCY RULEMAKING

## DEPARTMENT OF HUMAN SERVICES

Heading of the Part: Aid to the Aged, Blind or Disabled

Code Citation: 89 Ill. Adm. Code 113

Section Numbers: 113.260

Date Originally Published in the Illinois Register: 4/3/09  
33 Ill. Reg. 4993

At its meeting on 4/21/09, the Joint Committee on Administrative Rules objected to the Department of Human Services' use of emergency rulemaking to adopt rules titled Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113; 33 Ill. Reg. 4993) because the Department waited 8 months to implement statutory provisions that were effective 8/5/08. The adoption of this rulemaking reflects an agency-created emergency, in contravention of Section 5-45 of the Illinois Administrative Procedure Act.

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

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO  
EMERGENCY RULEMAKING

DEPARTMENT OF HUMAN SERVICES

Heading of the Part: General Assistance

Code Citation: 89 Ill. Adm. Code 114

Section Numbers: 114.351  
114.352  
114.353

Date Originally Published in the Illinois Register: 4/3/09  
33 Ill. Reg. 5004

At its meeting on 4/21/09, the Joint Committee on Administrative Rules objected to the Department of Human Services' use of emergency rulemaking to adopt rules titled General Assistance (89 Ill. Adm. Code 114; 33 Ill. Reg. 5004) because the Department waited 8½ months to implement budgetary provisions that were effective 7/1/08. The adoption of this rulemaking reflects an agency-created emergency, in contravention of Section 5-45 of the Illinois Administrative Procedure Act.

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

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO  
EMERGENCY RULEMAKING

DEPARTMENT OF HUMAN SERVICES

Heading of the Part: Refugee/Repatriate Program

Code Citation: 89 Ill. Adm. Code 115

Section Numbers: 115.10

Date Originally Published in the Illinois Register: 4/3/09  
33 Ill. Reg. 5018

At its meeting on 4/21/09, the Joint Committee on Administrative Rules objected to the Department of Human Services' use of emergency rulemaking to adopt rules titled Refugee/Repatriate Program (89 Ill. Adm. Code 115; 33 Ill. Reg. 5018) because the Department waited 8½ months to implement budgetary provisions that were effective 7/1/08. Any emergency situation that exists is agency-created, in contravention of Section 5-45 of the Illinois Administrative Procedure Act.

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

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYWITHDRAWAL OF SUSPENSION OF PEREMPTORY RULE

Heading of the Part: Medical Assistance Programs

Code Citation: 89 Ill. Adm. Code 120

Section Numbers: 120.329

Date Originally Published in Illinois Register: 12/5/08  
32 Ill. Reg. 18889

Date Suspension Published in Illinois Register: 12/15/08

Date Suspension Became Effective: 11/19/08

Date Suspension Withdrawn: The date HFS files an emergency repeal of the peremptory rule with the Secretary of State

The Joint Committee on Administrative Rules hereby certifies that, pursuant to Section 5-125 of the Illinois Administrative Procedure Act, the Joint Committee, at its meeting on 4/21/09, withdraws the Suspension of the Department of Healthcare and Family Services' peremptory rule titled Medical Assistance Programs (89 Ill. Adm. Code 120; 32 Ill. Reg. 18889) contingent upon HFS' filing of an emergency repeal of this peremptory rule. The Committee originally issued this Suspension at its 11/19/08 meeting.

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings and General Information Letters in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1 et seq.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the First Quarter of 2009. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Alternative Apportionment  
Apportionment – Payroll Factor  
Bingo, Pull Tabs and Charitable Games  
Credits – Foreign Tax  
Public Law 86-272/Nexus  
Residency/Nonresidency  
Subtraction Modifications – Other Rulings

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50 cents per page for each page over one.

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at [www.tax.illinois.gov](http://www.tax.illinois.gov).

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Linda Settle  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson Street  
Springfield, Illinois 62794

217/782-7055

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## ALTERNATIVE APPORTIONMENT

IT 09-0005-GIL      02/17/2009      IT 03-0003 PLR is revoked.

## APPORTIONMENT – PAYROLL FACTOR

IT 09-0001-GIL      01/14/2009      Wages paid to an employee performing services within and without Illinois are allocable to Illinois if the employee's base of operations is in Illinois or, if the employee has no base of operations, if his services are directed or controlled from a place in Illinois.

## BINGO, PULL TABS AND CHARITABLE GAMES

IT 09-0008-GIL      03/27/2009      Licensing of raffles is a local government function, not a state government function.

## CREDITS – FOREIGN TAX

IT 09-0006-GIL      03/09/2009      No credit is allowed for taxes paid to Iowa on employee compensation, because Illinois residents are exempted from Iowa tax on employee compensation under the states' reciprocal agreement.

IT 09-0007-GIL      03/23/2009      For tax years prior to 2006, no credit is allowed for taxes paid to another state on employee compensation "paid in this State" under IITA Section 304(a)(2)(B).

## PUBLIC LAW 86-272/NEXUS

IT 09-0004-GIL      2/09/2009      Nexus issues are not generally appropriate for resolution by letter ruling.

## RESIDENCY/NONRESIDENCY

IT 09-0002-GIL      01/23/2009      The residency of a trust does not change when the

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

residency of the beneficiaries or trustees changes.

SUBTRACTION MODIFICATIONS – OTHER RULINGS

IT 09-0003-GIL      01/26/2009      Contributions to college savings plans in excess of the maximum subtraction for a taxable year may not be carried over to other years.

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 April 21, 2009 through April 27, 2009 and have been scheduled for review by the Committee at its May 19, 2009 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>
6/3/09	<u>Property Tax Appeal Board</u> , Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 Ill. Adm. Code 1910)	2/27/09 33 Ill. Reg. 3664	5/19/09
6/3/09	<u>Department of State Police</u> , Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds (20 Ill. Adm. Code 1286)	2/20/09 33 Ill. Reg. 3240	5/19/09
6/4/09	<u>Environmental Protection Agency</u> , Permit Fees for Installing or Extending Sewers (35 Ill. Adm. Code 320)	2/27/09 33 Ill. Reg. 3576	5/19/09
6/4/09	<u>Secretary of State</u> , Issuance of Licenses (92 Ill. Adm. Code 1030)	3/6/09 33 Ill. Reg. 3965	5/19/09
6/4/09	<u>Department of Central Management Services</u> , Organ Donor Leave (80 Ill. Adm. Code 332)	1/23/09 33 Ill. Reg. 1410	5/19/09
6/5/09	<u>State Board of Education</u> , Providers of Supplemental Educational Services (23 Ill. Adm. Code 675)	2/13/09 33 Ill. Reg. 3138	5/19/09
6/5/09	<u>State Board of Education</u> , Temporary Relocation Expenses (23 Ill. Adm. Code 145)	2/13/09 33 Ill. Reg.	5/19/09

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

		3127	
6/5/09	<u>State Board of Education</u> , School Construction Program (23 Ill. Adm. Code 151)	2/13/09 33 Ill. Reg. 3130	5/19/09
6/5/09	<u>Department of Financial and Professional Regulation</u> , Minimum Standards for Individual and Group Medicare Supplement Insurance (50 Ill. Adm. Code 2008)	2/13/09 33 Ill. Reg. 2876	5/19/09
6/7/09	<u>Attorney General</u> , Married Families Domestic Violence Grants (89 Ill. Adm. Code 1110)	3/6/09 33 Ill. Reg. 3697	5/19/09
6/7/09	<u>Department of Healthcare and Family Services</u> , Medical Payment (89 Ill. Adm. Code 140)	12/1/08 32 Ill. Reg. 18121	5/19/09
6/7/09	<u>Department of Public Health</u> , Freestanding Emergency Center Demonstration Program Code (77 Ill. Adm. Code 518)	12/1/08 32 Ill. Reg. 18149	5/19/09
6/10/09	<u>Department of Financial and Professional Regulation</u> , Credit for Reinsurance Ceded (50 Ill. Adm. Code 1104)	9/12/08 32 Ill. Reg. 14621	5/19/09
6/10/09	<u>Illinois Emergency Management Agency</u> , All Hazards Campus Emergency Plan and Campus Violence Prevention Plan (29 Ill. Adm. Code 305)	2/6/09 33 Ill. Reg. 1905	5/19/09

**Executive Order 11-2009****EXECUTIVE ORDER TO REDUCE THE ENVIRONMENTAL IMPACT OF  
ILLINOIS STATE GOVERNMENT OPERATIONS**

**WHEREAS**, Article XI of the Illinois Constitution states that each person has the right to a healthful environment, and that the public policy of the State of Illinois (hereinafter the "State") and the duty of each person is to provide and maintain a healthful environment for the benefit of this and future generations; and

**WHEREAS**, the State of Illinois is committed to conserving, improving and protecting natural resources and the environment; preventing water, air and land pollution; minimizing greenhouse gas emissions that contribute to global climate change; and enhancing the health, safety and welfare of its residents and their overall economic and social well-being; and

**WHEREAS**, as Governor of the State of Illinois, it is my duty to ensure accountability and efficiency in the State's operations and provision of services; and

**WHEREAS**, by making sustainable choices in the course of their daily operations and provision of services, agencies, offices, divisions, departments, bureaus, boards and commissions directly responsible to the Governor (hereinafter "agencies") can lead by example in minimizing potential environmental and health impacts and save Illinois taxpayers money through reduced material costs, waste disposal costs and utility bills; and

**WHEREAS**, Illinois agencies are major consumers of electricity and fuel, spending over \$100 million each year to conduct activities at more than 1,500 owned and leased sites, and maintaining more than 12,000 vehicles traveling over 186 million miles last year; and the State seeks to employ cost-effective methods to reduce the consumption of energy and fuel, and the associated emissions of greenhouse gases; and

**WHEREAS**, State government can promote the expansion of markets for recycled commodities, emerging environmental technologies, renewable energy and other sustainable products and services by purchasing these products and services; and the State's investments in sustainability measures provide returns on investment and boost Illinois' economy, generating more green jobs, local spending and tax revenue; and

**WHEREAS**, the Illinois Green Governments Coordinating Council (GGCC) was established to integrate more fully into the ongoing management systems, long-range planning and daily operations of agencies cost-effective sustainability measures that enhance health and safety, reduce the consumption of energy and fuels, conserve water, minimize emissions and reduce solid and hazardous wastes; and

**Executive Order 11-2009****EXECUTIVE ORDER TO REDUCE THE ENVIRONMENTAL IMPACT OF  
ILLINOIS STATE GOVERNMENT OPERATIONS**

**WHEREAS**, the State has enacted mandates through legislation and Executive Orders that have established the administrative framework required to develop, monitor and document the results of activities undertaken through the coordinated efforts of the GGCC and through its statutory member agencies;

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order as follows:

**I. Waste Prevention**

- a. The policy of the State is to prefer waste prevention whenever feasible. Agencies shall prioritize waste prevention methods that eliminate or reduce the creation of pollution and waste through increased efficiency in the use of raw materials, energy, water and resources, and protection of natural resources by conservation. Pollution and waste that cannot be prevented at the source shall be recycled in an environmentally sound manner. If waste prevention and recycling are not feasible, waste treatment followed by safe disposal should be employed.
- b. Agency employees should incorporate waste prevention and recycling into their daily practices and must participate in all recycling programs available to them.
- c. The GGCC shall convene a subcommittee to research and report recommendations to the full GGCC on the actions necessary to measure and track solid waste generated by agencies statewide. Agencies must implement these recommendations in order to determine a statewide baseline for solid waste generated throughout fiscal year 2010. Agencies shall establish a collective goal to divert at least 20 percent of their solid waste from disposal facilities by July 1, 2012, referenced to the 2010 baseline, and divert at least 40 percent by July 1, 2015, referenced to the 2010 baseline, through source reduction, recycling and composting activities.
- d. Agencies shall take all necessary actions to reduce the consumption of office paper. They shall establish a goal to attain a 10 percent reduction in office paper consumption by July 1, 2010, when compared to paper consumption for fiscal year 2008. By July 1, 2012, agencies shall achieve a 20 percent reduction in office paper consumption from fiscal year 2008 levels. Whenever feasible, actions to reduce the use of office paper shall include, but not be limited to, the following:

**Executive Order 11-2009****EXECUTIVE ORDER TO REDUCE THE ENVIRONMENTAL IMPACT OF  
ILLINOIS STATE GOVERNMENT OPERATIONS**

- i. increasing the use of email, the Internet and other electronic means to distribute and receive documents, announcements, forms and publications;
  - ii. duplex printing and photocopying, and setting printer and copier defaults to duplex;
  - iii. updating and maintaining all mailing lists;
  - iv. formatting documents, through means such as adjusting fonts and margins, to reduce the number of pages; and
  - v. reusing single-side printed pages.
- e. By July 1, 2010, the Illinois Department of Central Management Services (CMS) Bureau of Communication and Computer Services (BCCS) shall establish and implement policies and procedures for the use of digital signatures and electronic document storage to the maximum extent feasible.
- f. By July 1, 2012, all agencies shall incorporate integrated pest management principles into their building and landscape management practices, where appropriate and practicable. Components of the integrated pest management program shall include, but not be limited to, the following: evaluation and monitoring of pests, inspection, habitat modification, good sanitation, education and treatment action designed to prevent pest problems while simultaneously reducing the use of toxic chemicals that may adversely affect public health and the environment.

**II. Energy Efficiency and Conservation**

- a. To the extent possible, agencies shall implement energy efficiency practices with respect to the operation and maintenance of all State-owned and State-leased buildings. Such practices shall include, but not be limited to, the following:
- i. turning off lighting in unoccupied areas;
  - ii. turning off office equipment and electronics when they are not in use;

**Executive Order 11-2009****EXECUTIVE ORDER TO REDUCE THE ENVIRONMENTAL IMPACT OF  
ILLINOIS STATE GOVERNMENT OPERATIONS**

- iii. adjusting the setting of space temperatures; and
  - iv. properly and regularly maintaining, inspecting, and re-commissioning or re-tuning heating, air conditioning and ventilation equipment to ensure optimal performance.
- b. In pursuit of the goal of meeting State greenhouse gas reduction targets, agencies shall cooperate in employing cost-effective efficiency measures to reduce electricity consumption and natural gas consumption at State-owned facilities by 25 percent each by July 1, 2025 as compared to fiscal year 2008 levels. These measures shall include, but not be limited to, the prioritization of capital upgrades and the implementation of operating policies and strategies that will deliver appropriate comfort levels while minimizing energy usage.
- c. To the maximum extent feasible, agencies shall achieve the building energy performance criteria necessary to attain ENERGY STAR® qualification in all eligible State-owned buildings by July 1, 2015. Wherever practicable, agencies shall strive to achieve certification under the U.S. Green Building Council's "LEED for Existing Buildings: Operations & Maintenance" (LEED-EBOM) Green Building Rating System in all eligible State-owned buildings.
- d. To the maximum extent feasible, agencies shall ensure that all new and renewed lease agreements specify compliance with the building energy performance criteria necessary to attain ENERGY STAR qualification. Agencies shall strive to maximize the number of U.S. Green Building Council "LEED for Existing Buildings: Operations & Maintenance" (LEED-EBOM) Green Building Rating System practices included in specifications for solicitations for new leased space.
- e. Agencies shall increase their purchase of energy certified by Green-e or generated from renewable energy sources in Illinois, including wind, solar thermal, photovoltaics, sustainably managed biomass, geothermal, methane waste and fuel cells. Agencies shall seek to purchase sufficient quantities of energy certified by Green-e or generated from renewable energy sources in Illinois so that 50 percent of the overall annual electrical energy requirements of buildings owned or leased by agencies will be met through these technologies by July 1, 2015, increasing to 100 percent by July 1, 2025.

**III. Water Quality and Conservation**

**Executive Order 11-2009****EXECUTIVE ORDER TO REDUCE THE ENVIRONMENTAL IMPACT OF  
ILLINOIS STATE GOVERNMENT OPERATIONS**

- a. By 2010, all new State construction and remodeling sites and landscaping projects at existing facilities under the control of agencies directly responsible to the Governor must incorporate xeriscaping principles for conserving water and maintaining water quality. These principles include, but are not limited to, the following: planning and design, soil analysis, practical turf areas, appropriate plant selection, efficient irrigation, use of mulches and appropriate maintenance.
- b. All fertilizers purchased and used by agencies shall be limited to low-phosphorus fertilizers, defined as those fertilizers having use directions that do not exceed an application rate of 0.25 pounds of P<sub>2</sub>O<sub>5</sub> per 1000 square feet per application and not to exceed 0.50 pounds of P<sub>2</sub>O<sub>5</sub> per 1,000 square feet per year.

**IV. Sustainable Transportation**

- a. Only to the extent permissible under any applicable Federal or State law or regulation, all State-funded road construction contracts for areas that are in nonattainment with the federal 8-hour ozone standard or the particulate matter (PM) 2.5 standard for air quality are required to use clean construction practices. These include, where feasible: idling limitations, use of ultra low sulfur diesel, erosion control, dust control, and on all off-road vehicles the installation of a verified diesel emission control device that achieves a particulate matter emission reduction of 50 percent or more from uncontrolled engine emission levels.
- b. To the maximum extent feasible, agencies shall take reasonable actions to achieve a target of a 20 percent reduction in petroleum use in the operation of State vehicles by July 1, 2012 when compared to fiscal year 2008 levels.
  - i. Agencies shall purchase, operate and maintain State vehicles in a manner that reduces emissions and petroleum fuel consumption.
    1. By July 1, 2015, at least 20 percent of new passenger vehicles purchased for the State fleet shall be hybrid and 5 percent purchased shall be electric, as feasible and available. By July 1, 2025, at least 60 percent of new passenger vehicles purchased for the State fleet shall be hybrid and 15 purchased shall be electric, as feasible and available. Specialty, police and emergency vehicles, as designated by CMS, may be exempt from these goals, but public

**Executive Order 11-2009****EXECUTIVE ORDER TO REDUCE THE ENVIRONMENTAL IMPACT OF ILLINOIS STATE GOVERNMENT OPERATIONS**

safety agencies shall make all reasonable efforts to minimize petroleum use when possible in ways that do not adversely impact their mission and the safety of the public.

2. CMS shall collaborate with IEPA, IDOT and DCEO to develop and implement specifications for purchases of hybrid, electric, bio-fuel, and other fuel-efficient and low-emission vehicles, toward the goal of reducing State fleet fuel consumption and emissions and increasing cost efficiency. CMS will maintain data on the carbon emissions of fleet vehicles.
  3. Agencies that operate medium- and heavy-duty vehicles shall implement strategies to reduce petroleum consumption and emissions by using verified diesel emission control devices that reduce particulate emissions, hybrid and electric vehicle technologies, alternative fuels, and other fuel efficiency technologies.
- ii. Agencies shall implement strategies to promote the use of bio-fuels in State vehicles.
1. CMS shall provide a list of E-85 fueling station locations available for use by agency drivers of flex-fuel vehicles in the State fleet.
  2. Agencies shall maintain updated information on E-85 fueling station locations in all applicable agency vehicles.
  3. Employees must use E-85 whenever feasible.
  4. Agencies with diesel vehicles must use a minimum of 5 percent biodiesel blend whenever feasible.
- iii. Agencies shall implement strategies to reduce the environmental impacts of employee travel.
1. Equip all agency vehicles with I-PASS transponders to reduce vehicle idling time in toll lines;

**Executive Order 11-2009****EXECUTIVE ORDER TO REDUCE THE ENVIRONMENTAL IMPACT OF  
ILLINOIS STATE GOVERNMENT OPERATIONS**

2. Provide secure locations for employees who bike to work to lock bicycles; and
  3. Consider the development of a program to facilitate ride sharing among employees traveling similar routes.
- iv. Agencies shall evaluate employee travel methods and encourage employees to adopt the following practices to the maximum extent feasible:
1. Teleconferencing and videoconferencing in lieu of travel;
  2. Utilizing non-motorized transportation, including walking and biking;
  3. Utilizing public transportation, including Amtrak train service; and
  4. Ride sharing and vehicle sharing.
- c. To the maximum extent feasible, CMS and IDOT shall utilize environmentally sensitive practices in vehicle maintenance shops, including, but not limited to, the use of: re-refined oil, retread tires, less toxic solvents and cleaners, and bio-based products. By January 1, 2010, CMS and IDOT shall collaborate on a pilot project for the use of bio-based lubricants and greases in automotive, hydraulic or machinery applications.

**V. Education and Outreach**

- a. CMS, in cooperation with IEPA, DCEO and GGCC, shall develop sustainability training materials for all new agency employees and contractors. Upon receiving a State email account, each new employee and contractor shall receive a copy of the sustainability training materials. Annually, each employee and contractor shall receive the sustainability training materials in conjunction with the required ethics test.
- b. The GGCC shall collaborate with CMS BCCS to develop a Green Illinois Internet portal to serve as a resource for State employees, other public and private sector employees, and all Illinois residents. The portal must provide links to information

**Executive Order 11-2009****EXECUTIVE ORDER TO REDUCE THE ENVIRONMENTAL IMPACT OF  
ILLINOIS STATE GOVERNMENT OPERATIONS**

on State of Illinois sustainability initiatives including, but not limited to: waste prevention, energy efficiency and conservation, green procurement, green building and renovation, water quality and conservation, air quality and opportunities for sustainability project funding and awards.

**VI. Cooperation**

- a. Directors, secretaries, administrators and employees of all agencies shall provide all reasonable cooperation and assistance in fulfilling the provisions of this Executive Order. Such assistance may include the commitment of staff time and the provision of support services.
- b. Agencies shall include information on their progress toward the goals and requirements contained in this Executive Order in their annual sustainability reports submitted to the GGCC in compliance with the Green Governments Illinois Act (20 ILCS 3954/35(c)).

**VII. Participation of Other Entities**

- a. Other entities of government not under the Governor's direct executive authority including, but not limited to Illinois community colleges, constitutional officers, legislative and judicial branches, local governments and school districts – are encouraged to participate actively in the sustainability initiatives contained in this Executive Order. Nothing in this order shall be construed as purporting to require the cooperation of entities not directly responsible to the Governor.
- b. All eligible entities are encouraged to take advantage of competitive pricing on green products available through State contracts by participating in the Joint Purchasing Program administered by CMS.
- c. The GGCC shall establish and administer a "Sustainable Illinois Community" designation program to recognize annually and support those local governments that have demonstrated leadership in implementing sustainability technologies and practices.

**VIII. Prior Executive Orders**

This Executive Order supersedes any contrary provision of any prior executive order.

**Executive Order 11-2009**

**EXECUTIVE ORDER TO REDUCE THE ENVIRONMENTAL IMPACT OF  
ILLINOIS STATE GOVERNMENT OPERATIONS**

**IX. Effective Date**

This Executive Order shall become effective immediately upon its execution.

Pat Quinn  
GOVERNOR

Issued by Governor: April 22, 2009

Filed with Secretary of State: April 22, 2009

## PROCLAMATIONS

**2009-129****Sandwich Generation Month**

WHEREAS, the 'Sandwich Generation' is defined as those caring for their children as well as their own aging parents; and

WHEREAS, according to the Pew Research Center, just over 1 of every 8 Americans aged 40 to 60 is both raising a child and caring for a parent, in addition to between 7 to 10 million adults caring for their aging parents from a long distance; and

WHEREAS, these numbers are likely to increase in the future, as U.S. Census Bureau statistics indicate that the number of Americans aged 65 or older will double by the year 2030 to over 70 million; and

WHEREAS, Illinois has an active, productive Sandwich Generation population; and

WHEREAS, communities throughout the United States will be both commemorating and celebrating the month of July as a tribute to the dedication, patience and caring of adults who are part of the Sandwich Generation; and

WHEREAS, on behalf of the people of the State of Illinois, I salute all members of the Sandwich Generation, those they care for, and those who support them:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 2009 as **SANDWICH GENERATION MONTH** in Illinois, and urge all citizens to join in this joyous celebration of families.

Issued by the Governor April 10, 2009

Filed by the Secretary of State April 24, 2009

**2009-130****National Water Safety Month**

WHEREAS, water safety education plays a vital role in preventing recreational water-related injuries and deaths; and

WHEREAS, by taking proactive steps learned through water-safety education, people can ensure healthy practices when enjoying water recreation. These healthy practices, for example, can prevent water-borne illnesses; and

## PROCLAMATIONS

WHEREAS, trained and certified aquatics professionals who develop water-safety rules allow for water recreation activities to be both fun and safe at the same time; and

WHEREAS, the safest aquatic recreational activities are in treated-water facilities; and

WHEREAS, effective water-safety programs are one of the best ways to prevent water-related injuries and deaths:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2009 as **NATIONAL WATER SAFETY MONTH** in Illinois, and encourage all citizens to support and promote the importance of practicing safety in water recreation.

Issued by the Governor April 13, 2009

Filed by the Secretary of State April 24, 2009

**2009-131****Lincoln Pilgrimage Weekend**

WHEREAS, in 1926, R. Allan Stephens, a former Boy Scouts of America Commissioner of Springfield, Illinois, originated the idea of a Lincoln Trail Hike; and

WHEREAS, Mr. Stephens believed that Boy Scouts would acquire a greater appreciation of the obstacles Abraham Lincoln overcame in his rise to the presidency if they also walked the same 20-mile route followed by Lincoln from New Salem to Springfield; and

WHEREAS, Lincoln's outstanding example of perseverance caused Mr. Stephens to propose encouraging Boy Scouts to walk in Lincoln's steps from New Salem to Springfield and presenting those who successfully completed the trail and award; and

WHEREAS, the trail is scenic and historically accurate, and while participating in the hike, the Scouts foster environmental stewardship by picking up litter along the route; and

WHEREAS, the Illinois Environmental Protection Agency teams with the Abraham Lincoln Council of the Boy Scouts of America in order to further earth stewardship and promote environmental consciousness; and

WHEREAS, Illinois Environmental Protection Agency employees, as well as Sangamon Valley Radio Club amateur radio operators, support the Lincoln Trail Hike by volunteering their services to assist the Scouts; and

## PROCLAMATIONS

WHEREAS, the Lincoln Trail Hike is one of a series of events, collectively known as the Lincoln Pilgrimage, honoring the life, achievements and ideals of the 16<sup>th</sup> President; and

WHEREAS, the 2009 Pilgrimage commemorates the bicentennial anniversary of the birth of Abraham Lincoln; and

WHEREAS, held this year over the weekend of April 25-26, thousands of Scouts will participate in the 64<sup>th</sup> Annual Lincoln Pilgrimage:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 25 - 26, 2009 as **LINCOLN PILGRIMAGE WEEKEND** in Illinois, in support of the Boy Scouts of America, and to commemorate the heritage of our favorite son and the nation's greatest president, Abraham Lincoln.

Issued by the Governor April 13, 2009

Filed by the Secretary of State April 24, 2009

**2009-132****Building Safety Week**

WHEREAS, the safety of the buildings we occupy daily is essential to the health, safety and welfare of the residents of Illinois; and

WHEREAS, among the world's most fundamental laws are those which provide safety standards for the construction of buildings in which people live, work, play and learn; and

WHEREAS, for construction and building codes to be effective and enforced, understanding and cooperation must exist between code officials and the people they serve; and

WHEREAS, Building Safety Week, sponsored by the International Code Council Foundation, is an excellent opportunity to educate the public. It is a perfect time to increase public awareness of the role building safety and fire prevention officials, local building departments, state and federal agencies play in protecting lives and property; and

WHEREAS, this year's theme, "Building Safety: Where You Live, Work and Play," encourages all Illinois residents to raise public awareness of building and fire safety. Everyone can take appropriate steps to ensure that the places where we

## PROCLAMATIONS

live, work, play and learn are safe. Countless lives have been saved because of the building safety codes adopted and enforced by local and state agencies; and

WHEREAS, this year, during the observation of Building Safety Week, all Illinois residents are encouraged to consider projects to improve building safety at home and in the community, and to recognize local building safety and fire prevention officials and the important role that they play in public safety:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 3 - 9, 2009 as **BUILDING SAFETY WEEK** in Illinois, and encourage all citizens to recognize the importance of improving building safety in this state and to participate in activities and efforts planned for this week to improve building safety.

Issued by the Governor April 13, 2009

Filed by the Secretary of State April 24, 2009

**2009-133****National Volunteer Week**

WHEREAS, the hard work and determination of American citizens continue to be among our nation's greatest resources; and

WHEREAS, one person can effect a positive change with just a single volunteer action, no matter how big or small; and

WHEREAS, the United States is blessed with men and women who selflessly dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and

WHEREAS, in Illinois, the Commission on Volunteerism and Community Service strives to improve our communities by supporting volunteer and community service efforts throughout the state; and

WHEREAS, in 1974 President Nixon established National Volunteer Week for the celebration of volunteers. National Volunteer Week will take place this year April 9 -25, with the theme "Celebrating People in Action"; and

WHEREAS, during National Volunteer Week, service projects and special events will take place throughout Illinois and across the nation; and

## PROCLAMATIONS

WHEREAS, the annual observance of National Volunteer Week sets aside an entire week dedicated to serving others in need and honoring those who volunteer all year:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 19 – 25, 2009 as **NATIONAL VOLUNTEER WEEK** in Illinois, and encourage all citizens to promote the spirit of volunteerism in our families and communities across the state. To find a volunteer opportunity or to learn more about how to recognize your volunteers visit the Serve Illinois Commission website [www.Serve.Illinois.gov](http://www.Serve.Illinois.gov) or call 800-592-9896.

Issued by the Governor April 13, 2009

Filed by the Secretary of State April 24, 2009

**2009-134****Exceptional Children's Week**

WHEREAS, the Illinois Council for Exceptional Children has celebrated Exceptional Children's Week for fifty years; and

WHEREAS, the Illinois Council for Exceptional Children, an organization representing more than 250 teachers and persons supportive of special education, has continually advocated for equal opportunity and quality special education services for individuals with disabilities; and

WHEREAS, the Illinois Council for Exceptional Children acknowledges that many advances and successes have been accomplished on behalf of individuals with disabilities; and

WHEREAS, the Illinois Council for Exceptional Children is aware of many current inequalities, concerns and unmet needs in the interpretation of special education regulations and policies; and

WHEREAS, the Illinois Council for Exceptional Children commends leaders such as Clarissa Hug and others who founded the concept of Exceptional Children's Week and who worked diligently to promote services in special education in the past:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 3 - 9, 2009 as **EXCEPTIONAL CHILDREN'S WEEK** in Illinois, in recognition of the Illinois Council for Exceptional Children's 50<sup>th</sup> anniversary celebration of Clarissa Hug's concept of an annual Exceptional Children's Week in Illinois.

Issued by the Governor April 13, 2009

## PROCLAMATIONS

Filed by the Secretary of State April 24, 2009

**2009-135****National Exercise is Medicine Month**

WHEREAS, the month of May has been designated as National Exercise is Medicine Month, by the American College of Sports Medicine (ACSM) and the American Medical Association (AMA), in order to encourage citizens to incorporate physical activity and exercise into their daily routine; and

WHEREAS, physical activity and exercise may help to treat or prevent numerous chronic conditions, such as hypertension, cardiac disease and diabetes; and

WHEREAS, regular, moderate-intensity exercise has curative and protective health benefits; and

WHEREAS, the health benefits of appropriate physical activity and exercise can help to improve the quality of life for all people, regardless of age; and

WHEREAS, when followed in cooperation with one's physician or other healthcare provider, a regular regimen of physical activity and exercise has great potential to improve the health of all Illinoisans:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2009 as **NATIONAL EXERCISE IS MEDICINE MONTH** in Illinois, and encourage all citizens to participate in activities and observances planned during this time in the interests of better health and quality of life for all.

Issued by the Governor April 13, 2009

Filed by the Secretary of State April 24, 2009

**2009-136****National Women's Health Week**

WHEREAS, National Women's Health Week celebrates the extraordinary progress in women's health and recognizes that still more needs to be done to safeguard the health of women for generations to come; and

WHEREAS, women from all walks of life and at every stage of life have unique health needs that should be addressed in their own right; and

## PROCLAMATIONS

WHEREAS, keeping women healthy and safe and promoting awareness of women's health issues depends on partnerships with social, health, and other services; and

WHEREAS, women can promote health and prevent disease and illness by taking simple steps to improve their physical, mental, social and spiritual health; and

WHEREAS, women's health remains a priority for families, communities, and government, and our commitment to keeping women healthy is stronger than ever:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 10 – 16, 2009 as **NATIONAL WOMEN'S HEALTH WEEK** in Illinois, and encourage all citizens to work together to promote and improve the health of women and to increase awareness and understanding of women's health issues.

Issued by the Governor April 13, 2009

Filed by the Secretary of State April 24, 2009

**2009-137****Lion and Lioness Tootsie Pop Day**

WHEREAS, the Lions and Lioness Clubs of Illinois tirelessly donate their time and energy to efforts to help the visually and hearing impaired; and

WHEREAS, since 1981, the Lions and Lioness Clubs have designated the first Friday in May as Lions and Lioness Tootsie Pop Day; and

WHEREAS, on this day, which falls on May 1 this year, members of the Lions and Lioness Clubs will be visible in communities throughout the state, giving away Tootsie Pops and accepting monetary donations to be used to help the visually and hearing impaired; and

WHEREAS, the Lions and Lioness Clubs of Illinois have raised an unprecedented amount of money for those who are visually and hearing impaired over the years through events such as Tootsie Pop Day; and

WHEREAS, Tootsie Pop Day allows the citizens of Illinois to contribute to an organization that will in turn give back to the public. The candy they receive is a token of appreciation from the Lions and Lioness Clubs for their donation; and

WHEREAS, all proceeds from Tootsie Pop Day will go to the programs the Lions and Lioness Clubs of Illinois promote to continue to help the visually and hearing impaired:

## PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 1, 2009 as **LION AND LIONESS TOOTSIE POP DAY** in Illinois, and applaud the Lions and Lioness Clubs of Illinois for their continued service to our communities.

Issued by the Governor April 13, 2009

Filed by the Secretary of State April 24, 2009

**2009-138****Lions Candy Day**

WHEREAS, the Lions Club was founded in 1917 by Melvin Jones. His goal was to create an organization of businesses who shared a common goal of bettering the community; and

WHEREAS, Lions Club International has grown to incorporate more than 1.4 million members who participate in 46,000 clubs in 193 countries across the globe; and

WHEREAS, the Lions Club of Illinois has raised an unprecedented amount of money for those who are visually and hearing impaired over the years through events such as Candy Day; and

WHEREAS, Candy Day allows the citizens of Illinois to contribute to an organization that will in turn give back to the public. The candy they receive is a token of appreciation from the Lions Club for their donation; and

WHEREAS, all proceeds from Candy Day will go to the programs the Lions Club of Illinois promotes to continue to help the visually and hearing impaired:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 9, 2009 as **LIONS CANDY DAY** in Illinois, and applaud the Lions Club for their continued service to our communities.

Issued by the Governor April 13, 2009

Filed by the Secretary of State April 24, 2009

**2009-139****Elgin Community College Day**

## PROCLAMATIONS

- WHEREAS, Elgin Community College (ECC) was established on January 10, 1949, as part of Public School District U-46, with the mission of improving people's lives through learning; and
- WHEREAS, in 1950 Elgin Community College gained membership in the American Association of Junior Colleges; and
- WHEREAS, in 1965, the Illinois General Assembly passed the Junior College Act, which led to the formation of a separate District 509 as a Class II Junior College. Just one year later, Elgin Community College was granted Class I Junior College status by the State Board of Higher Education; and
- WHEREAS, in December 1959, Renner Hall, ECC's first home, was dedicated, then, in 1967, Junior College District 509 purchased the 100-acre Spartan Drive site for Elgin Community College's new campus from the City of Elgin. The next year, the Illinois Board of Higher Education approved the building project for the new campus, and on December 24, 1968, ground was broken for Phase 1 of the new campus construction; and
- WHEREAS, in September of 1970 Elgin Community College moved into the new campus building at 1700 Spartan Drive. The new campus was officially dedicated on May 2, 1971; and
- WHEREAS, in 1982, the College and the City of Elgin reached an agreement on the restoration of a building located in downtown Elgin for a second campus, which held its first classes in January 1983; and
- WHEREAS, in August of 1996, Elgin Community College became the first college in Illinois to begin offering credit classes via the Internet; and
- WHEREAS, Elgin Community College has cultivated partnerships with four-year colleges and universities to provide greater and more immediate access to upper level undergraduate offerings and baccalaureate degree completion, allow for dual admission and/or seamless transfer to four-year schools; and
- WHEREAS, Elgin Community College also has a proud history of athletics. The College's first official mascot, Spartacat, was introduced in 1999. In 2002 ECC won the Skyway Conference All-Sports Trophy, awarded annually to one community college for the most points accumulated for men's and women's team play. It marked the first time in school history that ECC won the award. The college

## PROCLAMATIONS

officially opened its baseball field, named Spartan Field, at the intersection of Spartan Drive and Renner Drive on the Main Campus on April 15, 2005; and

WHEREAS, in the last few years, Elgin Community College has continued to grow – celebrating the grand opening of the Industry Training Center, home to six career/technical programs, the opening of the Health and Business Technology Center, the re-opening of the Advanced Technology Center following a year of remodeling and new construction, the opening of the Spartan Events Center and the opening of the \$4.1 million Culinary Arts Center, home to the Culinary Arts & Hospitality Institute of Elgin; and

WHEREAS, this year marks Elgin Community College's 60<sup>th</sup> Anniversary. Since its establishment in 1949, ECC has remained dedicated to its core value of encouraging learning by striving to create one of the best centers of learning in the United States. ECC will celebrate its 60<sup>th</sup> anniversary in conjunction with commencement ceremonies on May 22:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 22, 2009 as **ELGIN COMMUNITY COLLEGE DAY** in Illinois, in recognition of ECC's 60 years of commitment to academic excellence.

Issued by the Governor April 14, 2009

Filed by the Secretary of State April 24, 2009

**2009-140****Childhood Drowning Prevention Month**

WHEREAS, drowning is the leading cause of accidental death for children ages 1-4, as well as the second leading cause of death for children under the age of 14; and

WHEREAS, childhood drowning can occur in pools, bathtubs, hot tubs, decorative garden ponds and even buckets that contain as little as 2 inches of water; and

WHEREAS, the state's annual "Get Water Wise...SUPERVISE!" campaign came about as a recommendation from the Illinois Child Death Review Team, after it determined that all childhood drowning deaths were preventable if proper adult supervision was provided; and

WHEREAS, the "Get Water Wise...SUPERVISE!" campaign is a collaborative effort of the Illinois Department of Children and Family Services (DCFS), Prevent Child Abuse Illinois (PCA Illinois), the American Red Cross Illinois Capital Area

## PROCLAMATIONS

Chapter, the Illinois Chapter, American Academy of Pediatrics, the Illinois Department of Human Services (DHS), and the Illinois Department of Public Health (DPH) to remind the public to help prevent child drowning tragedies by providing adult supervision when children are in or near water; and

WHEREAS, it is important to recognize that constant adult supervision is needed when children are in or near water:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2009 as **CHILDHOOD DROWNING PREVENTION MONTH** in Illinois, to increase awareness of the role that proper adult supervision plays in preventing these tragic deaths.

Issued by the Governor April 16, 2009

Filed by the Secretary of State April 24, 2009

**2009-141****National Healthcare Decisions Day**

WHEREAS, April 16, 2009 has been designated the second annual National Healthcare Decisions Day by its organizers, a collaboration of national, state and community organizations committed to ensuring that all adults with decision-making capacity in the United States have the information and opportunity to communicate and document their wishes for future healthcare decisions in the event they become incapacitated; and

WHEREAS, participants in National Healthcare Decisions Day will provide much-needed information regarding advanced care planning to the public, thereby encouraging the public to discuss their end-of-life wishes with their relatives and physicians and to complete written advance directives; and

WHEREAS, advanced healthcare decision-making will reduce the number of tragedies that occur when an incapacitated person's wishes are unknown; and

WHEREAS, many Illinois healthcare facilities and organizations have endorsed National Healthcare Decisions Day and plan to participate in this initiative on April 16, 2009 by educating their communities in understanding health care decision-making and the availability of written advance directives in Illinois:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 16, 2009 as **NATIONAL HEALTHCARE DECISIONS DAY** in Illinois, to raise awareness of advanced healthcare decision-making and the availability of written advance directives.

## PROCLAMATIONS

Issued by the Governor April 16, 2009

Filed by the Secretary of State April 24, 2009

**2009-142****A Day of Remembrance for the Law Enforcement Officers Having Served and Currently Serving the Communities of the Quad Cities**

WHEREAS, all citizens owe a tremendous debt of gratitude to the dedicated men and women of law enforcement who selflessly serve to protect our lives and keep our families and communities safe; and

WHEREAS, every day, the men and women who work in law enforcement face great risks and in many cases, put their safety on the line as they perform their duties; and

WHEREAS, the citizens of the Quad Cities, and the State of Illinois, appreciate the efforts of all of the men and women of law enforcement, as they work with great dedication in preserving and protecting the safety of our lives and our property in our communities; and

WHEREAS, on the first Sunday in May, the cities of the Quad Cities set aside a day to honor members of the law enforcement community who sacrificed their lives in the line of duty; and

WHEREAS, this annual memorial service, held this year on May 3, recognizes the dedication and selfless sacrifice of the men and women police officers who are part of a long and noble profession that reflects the highest degree of honor, strength and respect; and

WHEREAS, since 1869, there have been 42 Quad City law enforcement officers killed in the line of duty; and

WHEREAS, it is fitting to set aside a day to recognize officers who demonstrate conspicuous gallantry and exceptionally meritorious conduct at the risk of life above and beyond the call of duty; and

WHEREAS, the State of Illinois is proud to join with officials and distinguished members of the law enforcement community and their families in recognizing the achievements of those dedicated individuals who have made the ultimate sacrifice in the line of duty:

## PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 3, 2009 as a **DAY OF REMEMBRANCE FOR THE LAW ENFORCEMENT OFFICERS HAVING SERVED AND CURRENTLY SERVING THE COMMUNITIES OF THE QUAD CITIES** in Illinois.

Issued by the Governor April 16, 2009

Filed by the Secretary of State April 24, 2009

**2009-143****Community Health Center Week**

WHEREAS, Community Health Centers are nonprofit, community-owned and operated health providers serving uninsured and medically underserved people in the State of Illinois; and

WHEREAS, Community Health Centers expand access to affordable, high quality, cost-effective health care to all people and contain health care costs by fostering prevention and integrating the delivery of primary care with aggressive outreach, patient education, translation and other enabling services; and

WHEREAS, Community Health Centers have made great strides in the Illinois health care system, specifically by maintaining high standards of accountability, demonstrating cost effectiveness and efficiency in the delivery of care, and empowering communities to address unmet health needs, reduce health disparities, and reduce preventable deaths, costly disabilities, and communicable diseases; and

WHEREAS, Community Health Centers are staffed by doctors, nurses, pharmacists and other health professionals who have chosen to serve in communities in need, helping to expand the reach of primary care and preventive health services; and

WHEREAS, there is a continuing need to support implementation of Community Health Centers throughout the State of Illinois as part of the Illinois' enduring commitment to the provision of quality primary health care; and

WHEREAS, Community Health Centers promote 100 percent access and zero health disparities to help achieve health care for all people:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 9-15, 2009 as **COMMUNITY HEALTH CENTER WEEK** in Illinois, and urge all citizens to

## PROCLAMATIONS

recognize the important contributions of Community Health Centers in safeguarding health and improving the quality of life for all people in the great state of Illinois.

Issued by the Governor April 16, 2009

Filed by the Secretary of State April 24, 2009

**2009-144****Illinois Rescue and Restore Outreach Day**

WHEREAS, human trafficking is a modern-day form of slavery. Victims of human trafficking are subjected to force, fraud, or coercion, for the purpose of sexual exploitation or forced labor. Victims are young children, teenagers, men, and women; and

WHEREAS, approximately 600,000 to 800,000 victims annually are trafficked across international borders worldwide, and between 14,500 and 17,500 of those victims are trafficked into the U.S. According to the U.S. Department of State, these estimates include women, men, and children; victims are generally trafficked into the U.S. from Asia, Central and South America, and Eastern Europe; and

WHEREAS, prior to the enactment of the Trafficking Victims Protection Act of 2000 (TVPA) in October 2000, no comprehensive Federal law existed to protect victims of trafficking or to prosecute their traffickers. The TVPA is intended to prevent human trafficking overseas, to increase prosecution of human traffickers in the United States, and to protect victims and provide Federal and state assistance so that they can rebuild their lives in the United States; and

WHEREAS, the Trafficking Victims Protection Act of 2000 is being reauthorized to provide added protections for victims of human trafficking and more stringent penalties for those convicted of human trafficking, and will provide funding to assist and serve victims of human trafficking, and to investigate severe forms of human trafficking; and

WHEREAS, many victims trafficked into the United States do not speak and understand English and are therefore isolated and unable to communicate with service providers, law enforcement, and others who might be able to help them; and

WHEREAS, you can help a victim by calling the Trafficking Information and Referral Hotline at (888) 373-7888, which will help you determine whether or not you have encountered victims of human trafficking, and will identify local resources available in your community to help victims, and will help you coordinate with

## PROCLAMATIONS

local social service organizations to help protect and serve victims so they can begin the process of restoring their lives:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 25, 2009 as **ILLINOIS RESCUE AND RESTORE OUTREACH DAY**, and encourage all citizens to learn more about human trafficking, as well as thank all those who have helped the victims of this true injustice.

Issued by the Governor April 16, 2009

Filed by the Secretary of State April 24, 2009

**2009-145****Corporal Jason G. Pautsch**

WHEREAS, on Friday, April 10, Corporal Jason G. Pautsch from Davenport, Iowa died at age 20 of injuries sustained when an improvised explosive device detonated near his vehicle in Mosul, Iraq, where Corporal Pautsch was serving in support of Operation Iraqi Freedom; and

WHEREAS, Corporal Pautsch was assigned to the United States Army's 1<sup>st</sup> Battalion, 67<sup>th</sup> Armor Regiment, 4<sup>th</sup> Infantry Division, based in Fort Carson, Colorado; and

WHEREAS, Corporal Pautsch, who was due to return home from his deployment in May, joined the Army after graduating from Davenport North High School in 2007; and

WHEREAS, a funeral will be held on Tuesday, April 21 in Moline, Illinois for Corporal Pautsch, who is survived by his father David, who lives in Davenport, his mother Teri Johnson of Moline and four siblings:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on April 19, 2009 until sunset on April 21, 2009 in honor and remembrance of Corporal Pautsch, whose selfless service and sacrifice is an inspiration.

Issued by the Governor April 17, 2009

Filed by the Secretary of State April 24, 2009

**2009-146****Service Awareness Day**

## PROCLAMATIONS

WHEREAS, the hard work and determination of American citizens continue to be among our nation's greatest resources; and

WHEREAS, one person can effect a positive change with just a single volunteer action, no matter how big or small; and

WHEREAS, the United States is blessed with men and women who selflessly dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and

WHEREAS, in the Land of Lincoln, the Serve Illinois Commission and the Corporation for National and Community Service – Illinois Program Office strive to improve our communities by supporting volunteer and community service efforts throughout the state; and

WHEREAS, Illinois currently has more than 2,300 people engaged in completing a year of full-time service through AmeriCorps, and an additional 70,000 youth and seniors involved in Learn & Serve and Senior Corps, respectively, across the state; and

WHEREAS, through Illinois National and Community Service programs, including AmeriCorps, Senior Corps, Learn & Serve America, and others, nearly 73,000 people of all ages and backgrounds are helping to meet local needs, strengthen communities, and increase civic engagement through 150 national service projects across Illinois; and

WHEREAS, serving with national and local nonprofits, schools, faith-based organizations and other groups, these citizens tutor and mentor children, coordinate after-school programs, build homes, conduct neighborhood patrols, restore the environment, respond to disasters, build nonprofit capacity and recruit and manage volunteers; and

WHEREAS, on Wednesday, April 22, 2009, approximately 300 people representing over 150 National Service programs and host organizations will come together at the Capitol Complex in Springfield for a day of educational outreach about their programs and the upcoming statewide Days of Service to build awareness and to demonstrate the impact of volunteer service in our state:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 22, 2009 as **SERVICE AWARENESS DAY** in Illinois, in recognition of the positive impact being made across the state by these committed individuals in a variety of educational, social, and environmental service arenas.

## PROCLAMATIONS

Issued by the Governor April 20, 2009

Filed by the Secretary of State April 24, 2009

**2009-147****Children's Interstitial Lung Disease Awareness Week**

WHEREAS, children's interstitial lung diseases include a group of rare, life-threatening lung diseases in children that can lead to progressive, incurable lung scarring or life-long lung problems; and

WHEREAS, certain children's interstitial lung diseases can progress quickly, causing disability or death within the first two years of life; and

WHEREAS, children's interstitial lung diseases are one of the leading causes of lung transplantation in children, due to scarring and an irreversible loss of the lung tissue's ability to transport oxygen; and

WHEREAS, children's interstitial lung disease is not the same as adult interstitial lung disease; and

WHEREAS, children's interstitial lung diseases are caused by poorly understood genetic abnormalities that affect families, infection, bleeding in the lungs, autoimmune diseases, or abnormal lung development; and

WHEREAS, children's interstitial lung diseases are often misdiagnosed or under-diagnosed; and

WHEREAS, there is no proven cure or treatment for children's interstitial lung diseases; and

WHEREAS, limited funding is available for research into these rare lung problems in children; and

WHEREAS, it is necessary to increase research funding, awareness, and detection of the disorders, as well as all incarnations of children's interstitial lung disease:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 1-7, 2009 as **CHILDREN'S INTERSTITIAL LUNG DISEASE AWARENESS WEEK** in Illinois, to increase awareness of these disorders and in recognition of the advocates and organizations working to educate, support and provide hope for individuals who suffer from children's interstitial lung disease.

## PROCLAMATIONS

Issued by the Governor April 21, 2009  
Filed by the Secretary of State April 24, 2009

**2009-148****Foster Parent Appreciation Month**

WHEREAS the Illinois Department of Children and Family Services has the mission to provide for the well-being of the nearly 16,000 children and young people in our care; and

WHEREAS foster parent caregivers provide a safe haven when children cannot safely be in their homes of origin due to abuse or neglect; and

WHEREAS foster caregivers devote great time and energy to children, their parents and agency staff to reunite families when possible or support other permanency options; and

WHEREAS foster parent caregivers tirelessly tend to children's physical, emotional, material and educational needs, providing them the chance to move from the child welfare system to safe and successful lives; and

WHEREAS in return for the immeasurable effort they extend, foster parent caregivers deserve the respect and gratitude of everyone in Illinois for their remarkable contributions and the ongoing positive impact they have in their communities:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do proclaim May 2009 as **FOSTER PARENT APPRECIATION MONTH** in Illinois.

Issued by the Governor April 22, 2009  
Filed by the Secretary of State April 24, 2009

**2009-149****Brain Tumor Awareness Month**

WHEREAS, each year more than 200,000 people in the United States are diagnosed with a primary or metastatic brain tumor; and

WHEREAS, although brain tumors occur less frequently than some other cancers, approximately 13,000 individuals in the U.S. die from primary brain tumors each year; and

## PROCLAMATIONS

WHEREAS, brain tumors do not discriminate against age, gender, ethnicity, overall fitness, or socioeconomic status. They can change your personality, your ability to communicate, walk and see; and

WHEREAS, progress continues because of dedicated researchers, and because of charitable organizations that are committed to the eradication of brain tumors through raising awareness and advocating for increased research funding; and

WHEREAS, although there is no known cause or cure, brain tumor patients now have hope and options available to them because of promising new treatments; and

WHEREAS, there is still much to be done to assure effective treatment for all brain tumor patients; and

WHEREAS, the State of Illinois is proud to join in the effort to raise awareness and to support all of the patients and families affected by this disease:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2009 as **BRAIN TUMOR AWARENESS MONTH** in Illinois, and urge all citizens to join me in support for continued progress in the fight against brain tumors.

Issued by the Governor April 23, 2009

Filed by the Secretary of State April 24, 2009

**2009-150****National Transportation Week**

WHEREAS, our transportation system not only gives us freedom and mobility, allowing us to move from place to place, but it also boosts the nation's economy, and strengthens our nation's security; and

WHEREAS, advancing knowledge of the transportation industry and increasing public awareness on the significant nature transportation plays in the nation's economy, are two goals the National Defense Transportation Association (NDTA) has set forth for National Transportation Week; and

WHEREAS, the first National Transportation Week was observed in 1953 with the help of the Women's Transportation Club of Houston. This group originally set up a scholarship program benefiting transportation degree students at the University of Houston, but with no interested applicants; and

## PROCLAMATIONS

WHEREAS, seeing that the students and the public were virtually unaware and uninterested in the transportation industry, attempts were then made to sway past Presidents of the United States to proclaim National Transportation Week as a way of promoting the transportation industry, though their efforts were not officially honored until 1962; and

WHEREAS, in Illinois, not only has our Department of Transportation been expanding the road system and supporting public transportation, but also has been successful in reducing highway fatalities, improving opportunities for small, women, and minority owned businesses and upgrading process management throughout the organization; and

WHEREAS, the observance of National Transportation Week provides an opportunity for the transportation community to join together for greater awareness about the importance of transportation and also focuses on making youth aware of transportation-related careers:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 10-16, 2009 as **NATIONAL TRANSPORTATION WEEK** in Illinois, in recognition of the dedicated transportation professionals and military service members for their tireless efforts to make America's transportation network the best in the world.

Issued by the Governor April 23, 2009

Filed by the Secretary of State April 24, 2009

**2009-151****Women in Transportation Day**

WHEREAS, our transportation system not only gives us freedom and mobility, allowing us to move from place to place, but it also boosts the nation's economy, and strengthens our nation's security; and

WHEREAS, advancing knowledge of the transportation industry and increasing public awareness of the significant role transportation plays in the nation's economy, are two goals the National Defense Transportation Association (NDTA) has set forth for National Transportation Week; and

WHEREAS, the first National Transportation Week was observed in 1953 with the help of the Women's Transportation Club of Houston. This group originally set up a

## PROCLAMATIONS

scholarship program benefiting transportation degree students at the University of Houston, but with no interested applicants; and

WHEREAS, seeing that the students and the public were virtually unaware and uninterested in the transportation industry, attempts were then made to sway past Presidents of the United States to proclaim National Transportation Week as a way of promoting the transportation industry, though their efforts were not officially honored until 1962; and

WHEREAS, the women who work in the transportation sector have been a vital component of this industry, including their role in the inception of National Transportation Week; and

WHEREAS, a number of organizations, including the National Association of Railway Business Women, have been formed to represent and support the women who work in the transportation industry, as well as to foster cooperation and better understanding within the industry and its affiliates; and

WHEREAS, as part of National Transportation Week, the observance of National Women in Transportation Day provides an opportunity to recognize and commend the contributions women have made throughout the history of our transportation system:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 15, 2009 as **WOMEN IN TRANSPORTATION DAY** in Illinois, in recognition of all the dedicated transportation professionals for their tireless efforts to make America's transportation network the best in the world.

Issued by the Governor April 23, 2009

Filed by the Secretary of State April 24, 2009

**2009-152****The Year of the Engaged Older Adult**

WHEREAS, the essence of American Democracy is a government of the people, by the people and for the people, and that democracy reflects the engagement of the citizenry and the premise that everyone can serve; and

WHEREAS, the Illinois population 50 years of age and older is projected to increase from 3.2 million in 2000 to 5.3 million by 2030, an increase of 63 percent, and these older Illinoisans will spend 10, 20, 30 or more years in retirement; and

## PROCLAMATIONS

WHEREAS, the maturing of Illinois compels the state and local communities to prepare for the aging of the population by assessing and mobilizing the experience, knowledge, wisdom, talents, and skills of citizens 50 years of age and older in developing livable communities for all ages and championing a world class education system; and

WHEREAS, "civic engagement" includes opportunities to pursue meaningful roles through lifelong learning, service and work, which will bring personal fulfillment, increased physical and mental health, and stronger social connections and will change the mindset of retirement from one of leisure to a time of engagement; and

WHEREAS, our society will also benefit from the experience, talent, energy, and leadership that older Illinoisans contribute, and as a result, reinforce our P-20 educational system, strengthen our economy, and enrich the cultural and historical heritage for all generations; and

WHEREAS, research shows that eighty percent of baby boomers either want or need to engage in some form of work after retiring from their primary occupations, that two-thirds of this generation either currently volunteer or intend to volunteer after retiring, and that sixty-eight percent of those who don't volunteer would if asked; and

WHEREAS, the National Governors Association has established the Illinois Policy Academy on the Civic Engagement of Older Adults to stimulate a new movement for engaging older adults in work, service, and learning; and

WHEREAS, the Illinois Policy Academy will enlist a broad range of non-profit organizations, corporations, foundations, education organizations, community organizations and state agencies to promote public awareness and build an infrastructure of civic engagement throughout the state; and

WHEREAS, the Illinois Policy Academy considers service a vital part of civic life and should be acknowledged as an important contribution to a government of the people, by the people, and for the people:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 1 to December 31, 2010, as **THE YEAR OF THE ENGAGED OLDER ADULT** in Illinois, and encourage all citizens to recognize the constructive impact of civic engagement of older Illinoisans, and to promote these vital activities in their personal and professional lives.

## PROCLAMATIONS

Issued by the Governor April 23, 2009  
Filed by the Secretary of State April 24, 2009

**2009-153****Lions Walk For Sight Days**

WHEREAS, the International Association of Lions Clubs is a worldwide organization dedicated to humanitarian service and the prevention of blindness, whose membership spans 202 countries with over 1.3 million members under the motto "We Serve"; and

WHEREAS, the first Lions Clubs in Illinois began in 1917 and since that time they have raised millions of dollars to help the blind and visually impaired, as well as provide research, training and recreation; and

WHEREAS, on May 30, June 7, and June 14, Lions and volunteers in locations across the state will join together as the Lions of Illinois Foundation sponsors the Fifth Annual "Walk For Sight" to raise public awareness of the 13 programs provided by the Foundation to over 18,000 children and adults in Illinois with vision and hearing impairments every year; and

WHEREAS, the "Walk for Sight" also helps to enable the foundation to extend their important services to more visually impaired men, women and children who need them and highlights the need for continued recognition of the visually and hearing impaired; and

WHEREAS, the Lions of Illinois Foundation, sponsor of the "Walk for Sight" continues to aid and provide needed services in conjunction with local Lions Clubs across Illinois:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 30, June 7, and June 14, 2009 as **LIONS WALK FOR SIGHT DAYS** in Illinois, in support of the efforts of the Lions Clubs of Illinois to provide special services to the visually and hearing impaired of our state.

Issued by the Governor April 23, 2009  
Filed by the Secretary of State April 24, 2009

**2009-154****National Senior Health and Fitness Day**

## PROCLAMATIONS

WHEREAS, the President of the United States has designated May as Older Americans Month and National Physical Fitness and Sports Month; and

WHEREAS, the United States Surgeon General has determined that regular physical activity results in significant health benefits and improved quality of life for older adults; and

WHEREAS, all older adults can participate in activities that improve and maintain their health; and

WHEREAS, it is appropriate to honor our mature citizens for their many contributions to the vitality and strength of our community; and

WHEREAS, on Wednesday, May 27, 2009, an estimated 100,000 older adults will participate in local fitness activities throughout the country as part of the 16th annual National Senior Health & Fitness Day, making it the nation's largest health promotion event for older adults; and

WHEREAS, on this day, locations across the country, including hospitals, park and recreation departments, senior centers, health clubs, retirement communities, houses of worship, health departments and other community locations will offer fitness activities for older adults; and

WHEREAS, the goals of National Senior Health and Fitness Day are to make exercise fun, to increase awareness of the benefits of a regular exercise program for older adults, and to encourage all older adults to take advantage of the many health and fitness programs offered in their communities:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 27, 2009 as **NATIONAL SENIOR HEALTH AND FITNESS DAY** in Illinois, and urge all citizens to support the efforts of local organizations that encourage older adults to enhance their lives through physical activity.

Issued by the Governor April 23, 2009

Filed by the Secretary of State April 24, 2009

**2009-155**

**Assistive Technology Awareness Month**

## PROCLAMATIONS

WHEREAS, Illinoisans with disabilities of all ages often need assistive technology devices and services to live independently and productively, as well as to participate fully in the affairs of their communities; and

WHEREAS, assistive technology devices and services allow people to work, attend school, participate in leisure and recreational activities, and live in the community of their choice; and

WHEREAS, an assistive technology device is any item, piece of equipment or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of individuals with disabilities or older adults; and

WHEREAS, assistive technology services are defined as any service that directly assists an individual in the selection, acquisition, or use of an assistive technology device; and

WHEREAS, assistive technology devices and services are not luxury items, but necessities for people with disabilities and older adults; these tools empower people to control their lives and their futures; and

WHEREAS, Illinois is a leader in the development and implementation of assistive technology programs for its citizens with disabilities and older adults:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2009 as ASSISTIVE **TECHNOLOGY AWARENESS MONTH** in Illinois, and encourage all residents of Illinois to recognize the importance of assistive technology and to become aware of the many ways in which assistive technology contributes to the health, happiness, and independence of our family, friends, and neighbors.

Issued by the Governor April 23, 2009

Filed by the Secretary of State April 24, 2009

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 33, Issue 19 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

**PROPOSED RULES**

89 - 160	.....	6377
17 - 650	.....	6409
17 - 660	.....	6430
17 - 670	.....	6446
17 - 675	.....	6468
17 - 680	.....	6476
17 - 685	.....	6484

**ADOPTED RULES**

80 - 302	4/23/2009 .....	6495
80 - 303	4/23/2009 .....	6503
35 - 1450	4/23/2009 .....	6515

**EMERGENCY RULES**

80 - 1600	4/27/2009 .....	6525
-----------	-----------------	------

**EXECUTIVE ORDERS AND  
PROCLAMATIONS**

09 - 11	4/22/2009 .....	6558
09 - 129	4/10/2009 .....	6567
09 - 130	4/13/2009 .....	6567
09 - 131	4/13/2009 .....	6568
09 - 132	4/13/2009 .....	6569
09 - 133	4/13/2009 .....	6570
09 - 134	4/13/2009 .....	6571
09 - 135	4/13/2009 .....	6572
09 - 136	4/13/2009 .....	6572
09 - 137	4/13/2009 .....	6573
09 - 138	4/13/2009 .....	6574
09 - 139	4/14/2009 .....	6574
09 - 140	4/16/2009 .....	6576
09 - 141	4/16/2009 .....	6577
09 - 142	4/16/2009 .....	6578
09 - 143	4/16/2009 .....	6579
09 - 144	4/16/2009 .....	6580
09 - 145	4/17/2009 .....	6581
09 - 146	4/20/2009 .....	6581
09 - 147	4/21/2009 .....	6583
09 - 148	4/22/2009 .....	6584
09 - 149	4/23/2009 .....	6584
09 - 150	4/23/2009 .....	6585

09 - 151	4/23/2009 .....	6586
09 - 152	4/23/2009 .....	6587
09 - 153	4/23/2009 .....	6589
09 - 154	4/23/2009 .....	6589
09 - 155	4/23/2009 .....	6590

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