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REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2010

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2009	January 4, 2010
2	December 28, 2009	January 8, 2010
3	January 4, 2010	January 15, 2010
4	January 11, 2010	January 22, 2010
5	January 19, 2010	January 29, 2010
6	January 25, 2010	February 5, 2010
7	February 1, 2010	February 16, 2010
8	February 8, 2010	February 19, 2010
9	February 16, 2010	February 26, 2010
10	February 22, 2010	March 5, 2010
11	March 1, 2010	March 12, 2010
12	March 8, 2010	March 19, 2010
13	March 15, 2010	March 26, 2010
14	March 22, 2010	April 2, 2010
15	March 29, 2010	April 9, 2010
16	April 5, 2010	April 16, 2010
17	April 12, 2010	April 23, 2010
18	April 19, 2010	April 30, 2010
19	April 26, 2010	May 7, 2010
20	May 3, 2010	May 14, 2010
21	May 10, 2010	May 21, 2010
22	May 17, 2010	May 28, 2010
23	May 24, 2010	June 4, 2010
24	June 1, 2010	June 11, 2010

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
25	June 7, 2010	June 18, 2010
26	June 14, 2010	June 25, 2010
27	June 21, 2010	July 2, 2010
28	June 28, 2010	July 9, 2010
29	July 6, 2010	July 16, 2010
30	July 12, 2010	July 23, 2010
31	July 19, 2010	July 30, 2010
32	July 26, 2010	August 6, 2010
33	August 2, 2010	August 13, 2010
34	August 9, 2010	August 20, 2010
35	August 16, 2010	August 27, 2010
36	August 23, 2010	September 3, 2010
37	August 30, 2010	September 10, 2010
38	September 7, 2010	September 17, 2010
39	September 13, 2010	September 24, 2010
40	September 20, 2010	October 1, 2010
41	September 27, 2010	October 8, 2010
42	October 4, 2010	October 15, 2010
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47	November 8, 2010	November 19, 2010
48	November 15, 2010	November 29, 2010
49	November 22, 2010	December 3, 2010
50	November 29, 2010	December 10, 2010
51	December 6, 2010	December 17, 2010
52	December 13, 2010	December 27, 2010
53	December 20, 2010	January 3, 2011

Editor's Note: This is a reminder that January 4, 2010 is the final day to submit your Agency's Regulatory Agenda for the January 2010 filing period.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Obligations of Retail Electric Suppliers
- 2) Code Citation: 83 Ill. Adm. Code 412
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
412.10	New Section
412.20	New Section
412.100	New Section
412.110	New Section
412.120	New Section
412.130	New Section
412.140	New Section
412.150	New Section
412.160	New Section
412.170	New Section
412.180	New Section
412.200	New Section
412.210	New Section
412.220	New Section
412.230	New Section
412.240	New Section
412.250	New Section
412.300	New Section
412.310	New Section
412.320	New Section
- 4) Statutory Authority: Implementing Section 16-118 of the Public Utilities Act [220 ILCS 5/16-118] and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rules establish the requirements for consumer education and protection involving programs for electric customer choice. The proposed rules include definitions of terms, regulations for marketing practices, regulation of contract provisions, and dispute resolution.
- 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

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NOTICE OF PROPOSED RULES

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 9-592, with:
- Elizabeth Rolando
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
- 217/782-7434
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. This rulemaking will not affect any small municipalities or not for profit corporations unless they are also jurisdictional entities.
- B) Reporting, bookkeeping or other procedures required for compliance: Records retention
- C) Types of professional skills necessary for compliance: Managerial skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this rulemaking at that time.

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NOTICE OF PROPOSED RULES

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

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NOTICE OF PROPOSED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER C: ELECTRIC UTILITIES

PART 412
OBLIGATIONS OF RETAIL ELECTRIC SUPPLIERS

SUBPART A: GENERAL

Section	
412.10	Definitions
412.20	Waiver

SUBPART B: MARKETING PRACTICES

Section	
412.100	Application of Subpart B
412.110	Uniform Disclosure Statement
412.120	Door-to-Door Solicitation
412.130	Telemarketing
412.140	Inbound Enrollment Calls
412.150	Direct Mail
412.160	Online Marketing
412.170	Training of Sales Agents
412.180	Records Retention and Availability

SUBPART C: RESCISSION, DEPOSITS, EARLY TERMINATION
AND AUTOMATIC CONTRACT RENEWAL

Section	
412.200	Application of Subpart C
412.210	Rescission of Sales Contract
412.220	Deposits
412.230	Early Termination Fee
412.240	Contract Renewal
412.250	Assignment

SUBPART D: DISPUTE RESOLUTION AND CUSTOMER COMPLAINT REPORTS

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Section

412.300	Application of Subpart D
412.310	Required RES Information
412.320	Dispute Resolution

AUTHORITY: Implementing Section 16-118 of the Public Utilities Act [220 ILCS 5/16-118] and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101].

SOURCE: Adopted at 34 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 412.10 Definitions

"Act" means the Public Utilities Act [220 ILCS 5].

"Alternative retail electric supplier" or "ARES" means the same as that term is defined in Section 16-102 of the Act.

"Commission" means the Illinois Commerce Commission.

"Complaint" means an objection made to an entity, by a customer or another entity, as to its charges, facilities or service, the disposal of which complaint requires investigation or analysis.

"Customer" means the same as "retail customer" as that term is defined in Section 16-102 of the Act.

"Electric utility" means the same as that term is defined in Section 16-102 of the Act.

"Letter of Agency" means the document described in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE] and referenced in Section 16-115A of the Public Utilities Act.

"Retail electric supplier" or "RES" includes both alternative retail electric suppliers and electric utilities serving or seeking to serve retail customers pursuant to Section 16-116 of the Act.

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NOTICE OF PROPOSED RULES

"Sales agent" means any employee, agent, independent contractor, consultant or other person who is engaged by the RES to solicit customers to purchase, enroll in or contract for power and energy service on behalf of an RES.

"Small commercial customer" means a nonresidential customer of an electric utility consuming 15,000 kilowatt-hours or less of electricity annually in its service area. An RES may remove the customer from designation as a "small commercial customer" if the customer consumes more than 15,000 kilowatt-hours of electricity in any calendar year after becoming a customer of the RES. In determining whether a customer is a small commercial customer, usage by the same commercial customer shall be aggregated to include usage at the same premises even if measured by more than one meter and to include usage at multiple premises. Nothing in this Part creates an affirmative obligation on an electric utility to monitor or inform customers or RESs as to a customer's status as a small commercial customer as defined by this definition. Nothing in this Part relieves an electric utility from any obligation to provide information upon request to a customer, an RES, the Commission or others necessary to determine whether a customer meets the classification of small commercial customers as defined in this definition.

"Third party verification" means the process described in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act and referenced in Section 16-115A of the Public Utilities Act.

Section 412.20 Waiver

- a) The Commission, on application or petition of an RES or electric utility, may grant a temporary or permanent waiver from this Part, or any Section or subsection of this Part, in individual cases in which the Commission finds that:
 - 1) the provision from which the waiver is granted is not statutorily mandated;
 - 2) no party will be injured by the granting of the waiver; and
 - 3) the rule from which the waiver is granted would, as applied to the particular case, be unreasonable or unnecessarily burdensome.
- b) The burden of proof in establishing a right to waiver shall be on the party seeking the waiver.

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SUBPART B: MARKETING PRACTICES

Section 412.100 Application of Subpart B

- a) The provisions of this Subpart shall only apply to RESs serving or seeking to serve residential or small commercial customers, and only to the extent that the RESs provide services to residential or small commercial customers.
- b) The following exceptions apply: Sections 412.170(a), (b) and (c) and 412.180 shall apply to RESs serving or seeking to serve any retail customer.

Section 412.110 Uniform Disclosure Statement

In addition to providing the customer with a copy of the sales contract, an RES or one of its sales agents must disclose the following information to the customer prior to any enrollment for electric service, regardless of the form of marketing used. The written Uniform Disclosure statement must use 12 point font or larger, and, if it is a separate document, it must not exceed two pages in length:

- a) The legal name of the RES and the name under which the RES will market its products, if different;
- b) The RES's business address;
- c) The RES's toll free telephone number for billing questions, disputes and complaints;
- d) The charges for the service for the length of the contract and, if any charges are variable during the term of the contract, an explanation of how the variable charges are determined;
- e) The length of the agreement, including any possible automatic renewal clause;
- f) The presence or absence of early termination fees or penalties and applicable amounts or the formula pursuant to which they are calculated;

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- g) Any requirement to pay a deposit for power and energy service, the estimated amount of the deposit or basis on which it is calculated, when the deposit will be returned, and if the deposit will accrue interest;
- h) Any fees assessed by the RES to a customer for switching to the RES;
- i) The name of the power and energy service for which the customer is being solicited;
- j) A statement that the customer may rescind the agreement within 10 calendar days after the electric utility processes the enrollment request by contacting either the RES or the electric utility, providing both phone numbers;
- k) A statement that the RES is an independent seller of power and energy service, and that the sales agent is not representing or acting on behalf of the electric utility, governmental bodies or consumer groups;
- l) A statement that the electric utility remains responsible for the delivery of power and energy to the customer's premise and will continue to respond to any service calls and emergencies and that switching to an RES will not impact the customer's electric service reliability;
- m) A statement that the customer will receive written notification from the electric utility confirming a switch of the customer's power and energy supplier;
- n) If savings are guaranteed under certain circumstances, the RES must provide a written statement, in plain language, describing the conditions that must be present in order for the savings to occur; and
- o) If a product is being offered at a fixed monthly charge that does not change with the customer's usage and the fixed monthly charge does not include delivery service charges, the RES must provide a statement to the customer that the fixed monthly charge is for supply charges only and that it does not include delivery service charges and applicable taxes; therefore, the fixed monthly charge is not the total monthly amount for electric service.

Section 412.120 Door-to-Door Solicitation

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- a) Sales agents who engage in door-to-door solicitation for the purpose of selling power and energy service offered by the RES shall display identification. This identification shall be visible at all times and prominently display the following:
 - 1) The sales agent's full name in reasonable size font;
 - 2) A photograph of the sales agent;
 - 3) The trade name and logo of the RES the sales agent is representing. If the sales agent is selling power and energy services from multiple RESs to the customer, the identification shall display the trade name and logo of the agent, broker or consultant entity as that entity is defined in Section 16-115C of the Act.
- b) The sales agent shall leave the premises of a customer if requested to do so by the customer, the owner or an occupant of the premises.
- c) The sales agent shall ensure that, during the sales presentation to the customer items (d) through (o) of the Uniform Disclosure Statement (Section 412.110(d) through (o)) are verbally disclosed to the customer. A sales agent may disclose the items in any order as long as all applicable items are explained to the customer during the sales presentation.
- d) If a power and energy service is being offered at a fixed monthly charge that does not change with the customer's usage and the fixed monthly charge does not include delivery service charges, the sales agent shall explain to the customer that the fixed monthly charge is for supply charges only and that it does not include delivery service charges and applicable taxes; therefore, the fixed monthly charge is not the total monthly amount for electric service.
- e) If a customer's enrollment is authorized by the customer signing a Letter of Agency, the sales agent shall require the customer to initial the written Uniform Disclosure Statement, a copy of which is to be left with the customer at the conclusion of the sales visit. The minimum list of items to be included in the Uniform Disclosure Statement is contained in Section 412.110.
- f) If a customer's enrollment is authorized by third-party verification during door-to-door solicitation, the third party verification shall require the customer to verbally acknowledge that a copy of the Uniform Disclosure Statement was left with the

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customer, and that he or she understands items (d) through (o) of the Uniform Disclosure Statement.

- g) When it is apparent that a customer's English language skills are insufficient to allow the customer to understand and respond to the information conveyed by the sales agent in English or when the customer or another third party informs the sales agent of this circumstance, the sales agent shall find another sales representative for the RES who is fluent in the customer's language to continue the marketing activity in his/her stead, use an interpreter at the premise, or terminate the in-person contact with the customer. When the use of an interpreter is necessary, a form consistent with Section 2N of the Consumer Fraud and Deceptive Business Practices Act must be completed.
- h) Upon a customer's request, the RES and its sales agents shall refrain from any further marketing to that customer.

Section 412.130 Telemarketing

- a) In addition to complying with the Telephone Solicitations Act [815 ILCS 413], sales agents who contact customers by telephone for the purpose of selling power and energy service shall provide the sales agent's name and, on request, the identification number if available.
- b) When it is apparent that a customer's English language skills are insufficient to allow the customer to understand a telephone solicitation in English, and the customer or another third party informs the sales agent of this circumstance, the sales agent must transfer the customer to a representative who speaks the customer's language, if such a representative is available, or terminate the call.
- c) A sales agent shall ensure that, during the sales presentation to the customer, items (d) through (o) of the Uniform Disclosure Statement (Section 412.110(d) through (o)) are verbally disclosed to the customer. A sales agent may disclose the items in any order so long as all applicable items are explained to the customer during the sales presentation.
- d) If a power and energy service is being offered at a fixed monthly charge that does not change with the customer's usage and the fixed monthly charge does not include delivery service charges, the sales agent must explain to the customer that the fixed monthly charge is for supply charges only and that it does not include

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delivery service charges and applicable taxes; therefore, the fixed monthly charge is not the total monthly amount for electric service.

- e) If a sales agent engages in telemarketing and third party verification is used to authorize a customer's enrollment, the third party verification must require the customer to verbally acknowledge that he or she understands items (d) through (o) of the Uniform Disclosure Statement in Section 412.110.
- f) The Uniform Disclosure Statement and sales contract must be provided to the customer within three business days after the electric utility's confirmation of an accepted enrollment.
- g) Upon a customer's request, the RES and its sales agents shall refrain from any further marketing to that customer.

Section 412.140 Inbound Enrollment Calls

If a customer initiates a call to a sales agent in order to enroll for service, the sales agent must:

- a) Follow the requirements in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act;
- b) Verbally disclose to the customer items (d) through (o) of the Uniform Disclosure Statement (Section 412.110(d) through (o)). A sales agent may disclose the items in any order so long as all applicable items are explained to the customer during the sales presentation;
- c) Require the customer to verbally acknowledge that he or she understands items (d) through (o) contained in the Uniform Disclosure Statement (Section 412.110); and
- d) Send the Uniform Disclosure Statement and sales contract to the customer within 3 business days after the electric utility's confirmation of an accepted enrollment.

Section 412.150 Direct Mail

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- a) An RES or one of its sales agents contacting customers for enrollment for power and energy service by direct mail or e-mail shall include the items of the Uniform Disclosure Statement (Section 412.110) for the service being solicited.
- b) If a written Letter of Agency is being used to authorize a customer's enrollment, it shall contain a statement that the customer has read and understood the items contained in the Uniform Disclosure Statement in Section 412.110. The document containing the items of the Uniform Disclosure Statement must remain with the customer.

Section 412.160 Online Marketing

- a) Each RES offering power and energy service to customers online shall display the items of the Uniform Disclosure Statement (Section 412.110) for any services offered through online enrollment before requiring the customer to enter any personal information other than zip code, electric utility service territory, and/or type of service being sought.
- b) The document containing the items of the Uniform Disclosure Statement must be printable in a PDF format not to exceed two pages in length and shall be available electronically to the customer.
- c) The RES shall obtain, in accordance with 83 Ill. Adm. Code 453 and Section 2EE of the Consumer Fraud Act, an authorization to change RESs that confirms and includes appropriate verification data by encrypted customer input on the RES web site.
- d) The enrollment website of the RES shall, at a minimum, include:
 - 1) All items within the Uniform Disclosure Statement (Section 412.110);
 - 2) A statement that electronic acceptance of a sales contract is an agreement to initiate service and begin enrollment;
 - 3) A statement that the customer should consult the sales contract and/or contact the current supplier to learn if any early termination fees are applicable; and

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- 4) An e-mail address and phone number where the customer can express a decision to rescind the sales contract.

Section 412.170 Training of Sales Agents

- a) A sales agent shall be knowledgeable of the requirements applicable to the marketing and sales of power and energy service to the customer class that he or she is targeting. In addition to this Part, requirements pertaining to the marketing and sales of power and energy service may be found in other rules, the Act and the Consumer Fraud and Deceptive Business Practices Act.
- b) All sales agents should be familiar with power and energy services that they sell, including the rates, payment and billing options, the customers' right to cancel, and applicable termination fees, if any. In addition, the sales agents shall have the ability to provide the customer with a toll-free number for billing questions, disputes and complaints, as well as the Commission's toll-free phone number for complaints.
- c) An RES and its sales agents shall not utilize false, misleading, materially inaccurate or otherwise deceptive language or materials in soliciting or providing services.
- d) An RES and its sales agents shall refrain from any direct marketing or soliciting of power and energy service to customers on the electric utility's Do Not Market List, which the electric utility shall make available at least monthly on the 15th calendar day of the month. If the 15th calendar day is a non-business day, the electric utility shall make the list available on the next business day following the 15th calendar day of that month. The Do Not Market List maintained by the electric utility shall contain the customer's name, service address and phone numbers. An RES shall use the most current version of the Do Not Market List available; however, in assessing compliance with this Section, 31 days will be afforded to an RES to account for the time required by the RES to disseminate and process the list internally.

Section 412.180 Records Retention and Availability

- a) An RES must retain, for a minimum of two years or for the length of the sales contract, whichever is longer, verifiable proof of authorization to change suppliers

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for each customer. Authorization records need to be provided by the RES within seven business days, upon request by the Commission or Commission Staff.

- b) Throughout the duration of the contract, and for two years thereafter, the RES shall retain and, within seven business days after the customer's request, provide to the customer, a copy of the sales contract via e-mail, U.S. mail or facsimile. The RES may charge a fee for the copies if a customer requests more than two copies in a 12-month period.

SUBPART C: RESCISSION, DEPOSITS, EARLY TERMINATION
AND AUTOMATIC CONTRACT RENEWAL

Section 412.200 Application of Subpart C

The provisions of this Subpart shall only apply to RESs serving or seeking to serve residential or small commercial customers and only to the extent the RESs provide services to residential or small commercial customers.

Section 412.210 Rescission of Sales Contract

Within one business day after accepting a valid electronic enrollment request from the RES, the electric utility shall notify the customer in writing of the scheduled enrollment and provide the name of the RES that will be providing power and energy service. The written enrollment notice from the electric utility shall state the last day for making a request to rescind the enrollment and shall provide contact information for the RES. If the customer wishes to rescind its enrollment with the supplier, the customer will not incur any early termination fees if the customer contacts either the electric utility or the RES within 10 calendar days after the electric utility's acceptance of the enrollment request. If the tenth calendar day falls on a non-business day, the rescission period will be extended through the next business day. In the event the customer provides notice of the rescission to the electric utility, the electric utility shall notify the RES.

Section 412.220 Deposits

An RES shall not require a customer deposit if the RES is selling the receivables for power and energy for that customer to the electric utility pursuant to Section 16-118(c) of the Act.

Section 412.230 Early Termination Fee

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Any agreement between an RES and a customer that contains an early termination fee shall disclose the amount of the early termination fee or the formula used to calculate the termination fee. The agreement must also state that the early termination fee does not apply if the customer cancels the contract within the rescission period described in Section 412.210. In addition, any agreement that contains an early termination fee shall provide the customer the opportunity to terminate the agreement without any termination fee or penalty within 10 business days after the date of the first bill issued to the customer for products or services provided by the RES. This requirement does not relieve the customer of obligations for services rendered under the agreement prior to termination.

Section 412.240 Contract Renewal

- a) Non-Automatic Renewal. The RES shall clearly disclose any renewal terms in its contracts, including any cancellation procedure. For contracts with an initial term of six months or more, the RES shall send a notice of contract expiration separately from the bill at least 30 days prior to the date of contract expiration but no more than 60 days in advance of expiration. Nothing in this Section shall preclude an RES from offering a new contract to the customer at any other time during the contract period. The separate written notice of contract expiration shall include:
- 1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Contract Expiration Notice";
 - 2) The anticipated bill cycle in which the existing contract will expire;
 - 3) A full description of the renewal offer, including the date service would begin under the new offer; and
 - 4) A statement, in at least 12 point font, that the customer must provide affirmative consent to accept the renewal offer, that establishing service with another RES can take up to 45 days, and that failure to renew the existing contract or switch to another RES may result in the customer being reverted to the electric utility default service. The statement shall provide the length of the electric utility tariff minimum stay period, if applicable.

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- b) Automatic Renewal. In addition to complying with the Illinois Automatic Renewal Act [815 ILCS 601], the RES shall clearly disclose any renewal terms in its contracts, including any cancellation procedure. For contracts with an initial term of six months or more, the RES shall send a notice of contract renewal separately from the bill at least 30 days prior to the end of the initial contract term but no more than 60 days in advance of that date. Nothing in this Section shall preclude an RES from offering a new contract to the customer at any other time during the contract period. The separate written notice of contract renewal shall include:
- 1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Contract Renewal Notice";
 - 2) The bill cycle in which service under the new term will begin;
 - 3) A statement in bold lettering, in at least 12 point font, that the contract will automatically renew unless the customer cancels it, including the information needed to cancel;
 - 4) If the new contract term includes a termination fee, a statement that the customer has from the date of the contract renewal notice through the end of the existing contract term to notify the RES of his or her rejection of the new contract term to avoid incurring a termination fee under the new contract term;
 - 5) Clearly disclosed, the contract terms, including a full description of any renewal offers available to the customer; and
 - 6) A statement in bold lettering, in at least 12 point font, that establishing service with another RES can take up to 45 days, and that failure to renew the existing contract or switch to another RES may result in the customer being reverted to the electric utility default service. The statement shall provide the length of the electric utility tariff minimum stay period if applicable.

Section 412.250 Assignment

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If an RES is surrendering or otherwise cancelling its certificate of service authority or is no longer seeking to serve certain customers, the RES shall not assign the agreement to a different RES unless:

- a) The new supplier is a RES;
- b) The new RES is in compliance with all applicable requirements of the Commission and the electric utility to provide electric service;
- c) The rates, terms and conditions of the agreement being assigned do not change during the remainder of the time period covered by the agreement; provided however, the assigned agreement may be modified during the term of the agreement if the new RES and the retail customer mutually agree to the changes or revisions of the agreement after assignment of the agreement;
- d) The customer is given 15 calendar days prior written notice of the assignment by the current RES; and
- e) Within 30 days after the assignment, the new RES provides the customer with a toll-free phone number for billing questions, disputes and complaints.

SUBPART D: DISPUTE RESOLUTION AND CUSTOMER COMPLAINT REPORTS

Section 412.300 Application of Subpart D

The provisions of this Subpart shall only apply to RESs serving or seeking to serve residential or small commercial customers and only to the extent the RESs provide services to residential or small commercial customers.

Section 412.310 Required RES Information

- a) The RES shall provide the following to the Commission's Consumer Services Division (CSD):
 - 1) A copy of its bill formats (if it bills customers directly rather than using electric utility consolidated billing);
 - 2) Standard customer contract;

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- 3) Customer complaint and resolution procedures; and
 - 4) The name, telephone number and e-mail address of the company representative whom Commission employees may contact to resolve customer complaints and other matters.
- b) The RES must file updated information within 10 business days after changes in any of the documents or information required to be filed by this Section.

Section 412.320 Dispute Resolution

- a) A residential or small commercial customer has the right to make a formal or informal complaint to the Commission, and an RES contract cannot impair this right. An RES shall not require a residential or small commercial customer, as part of the terms of service, to engage in alternative dispute resolution, including requiring complaints to be submitted to arbitration or mediation by third parties.
- b) A customer or applicant for power and energy service may submit to an RES a complaint by mail, facsimile transmission, e-mail or telephone. The RES shall promptly investigate and advise the complainant of the results within 14 calendar days. If the RES does not respond to the customer's complaint in writing, the RES shall inform the customer of the ability to obtain the RES's response in writing upon request. A customer who is dissatisfied with the RES's response shall be informed of the right to file a complaint with the Commission and the Office of the Illinois Attorney General.
- c) Complaints to the Commission
 - 1) Informal Complaints
 - A) If a complainant is dissatisfied with the results of an RES's complaint investigation, the RES shall inform the complainant of his/her ability to file a complaint with the Commission's CSD and provide contact information for the CSD. Complaints may be filed with the CSD by phone, via the internet, by fax or by mail. Information required to process a customer complaint includes:
 - i) The customer's name, mailing and service addresses, and telephone number;

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- ii) The name of the RES;
 - iii) The customer's electric utility and RES account numbers;
 - iv) An explanation of the facts relevant to the complaint;
 - v) The complainant's requested resolution; and
 - vi) Any documentation that supports the complaint, including copies of bills or terms of service documents.
- B) The CSD may resolve a complaint via phone by completing a three-way call involving the customer, the CSD staff and the RES. If no resolution is reached by phone and a dispute remains, an informal complaint may be sent to the RES. In the case of the electric utility purchasing the RES's receivables or utility consolidated billing, the RES shall notify the electric utility of any informal complaint received and the electric utility shall follow the procedures outlined in its billing service agreement with the RES to withhold collection activity on disputed RES charges on the customer's bill.
- C) The RES shall investigate all informal complaints and advise the CSD in writing of the results of the investigation within 14 days after the complaint is forwarded to the RES.
- D) The CSD shall review the complaint information and the RES's response and notify the complainant of the results of the Commission's investigation.
- E) While an informal complaint process is pending:
- i) The RES (or the electric utility in the case of the electric utility having purchased the RES's receivables) shall not initiate collection activities for any disputed portion of the bill until the Commission Staff has taken final action on the complaint; and

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- ii) A customer shall be obligated to pay any undisputed portion of the bill and the RES (or the electric utility in the case of the electric utility purchasing the RES's receivables or the utility presenting the RES's charges on a consolidated bill) may pursue collection activity for nonpayment of the undisputed portion after appropriate notice.
- F) The RES shall keep a record for two years after closure by the CSD of all informal complaints. This record shall show the name and address of the complainant, the date and nature and adjustment or disposition of the complaint.
- 2) Formal Complaints. If the complainant is not satisfied with the results of the informal complaint process, the complainant may file a formal complaint with the Commission pursuant to Section 10-101 of the Act.
 - 3) Disclosure of RESs' Level of Customer Complaints. The Commission shall, on at least a quarterly basis, prepare a summary of all formal and informal complaints received and publish it on its web site. The summary shall be in an easy-to-read and user friendly format.

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- 1) Heading of the Part: Internet Enrollment Rules
- 2) Code Citation: 83 Ill. Adm. Code 453
- 3) Section Numbers: 453.40 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Article XVI of the Public Utilities Act [220 ILCS 5/Art. XVI] and implementing and authorized by Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment of this Part is connected with the proposed adoption of 83 Ill. Adm. Code 412 (33 Ill. Reg. 17202), published in this issue of the Register. The Commission is proposing the repeal of a provision for a three day cancellation period. Proposed Part 412 contains a longer cancellation period.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed amendment replace any emergency amendment 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 amendments pending on this Part? No
- 11) Statement of Statewide Policy Objective: This proposed amendment neither creates nor expands any State mandate on units of local government, school districts or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Comments should be filed, within 45 days after the date of this issue of the Illinois Register in Docket 09-0592, with:

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

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This amendment will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. This amendment will not affect any small municipalities or not for profit corporations unless they are also jurisdictional entities.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Managerial skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIESPART 453
INTERNET ENROLLMENT RULES

Section

453.10	Definitions
453.20	Criteria by Which to Judge the Validity of an Electronic Signature
453.30	Method by Which the Authenticity of Electronic Signatures May Be Proven
453.40	Additional Requirements for an Electronic LOA

AUTHORITY: Implementing and authorized by Article XVI of the Public Utilities Act [220 ILCS 5/Art. XVI] and implementing and authorized by Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE].

SOURCE: Adopted at 27 Ill. Reg. 9017, effective July 1, 2003; amended at 34 Ill. Reg. _____, effective _____.

Section 453.40 Additional Requirements for an Electronic LOA

- a) In addition to the information and structure set out for ~~an~~ LOA in 815 ILCS 505/2EE, by virtue of being in electronic form, an electronic LOA must provide the following additional information:
- 1) The means by which any future correspondence between the customer and RES will be sent;
 - 2) Whether the customer has the option to receive correspondence via the United States Postal Service or electronic means; and
 - 3) That the customer may opt to receive a written copy of the contract. ~~;~~ and
 - 4) ~~A conspicuous statement, within the body of the electronic version of the contract, that residential customers may cancel the enrollment within 3 business days after the Internet enrollment.~~

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- b) In addition to the procedures set out for ana RES in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE], the RES also must abide by the following procedures when utilizing electronic LOAs:
- 1) Ensure that the customer provides all information necessary to complete the electronic LOA through a securely encrypted input procedure that meets or exceeds current industry practices;
 - 2) Ensure that the customer indicates by a separate affirmative act that it has the authority to execute the electronic LOA;
 - 3) Ensure that the customer indicates by a separate affirmative act that it understands and assents to the LOA;
 - 4) Include a version number in the body of the electronic LOA in order to permit verification of the particular LOA to which the customer assents;
 - 5) Prompt the customer to print or save a copy of the electronic LOA;
 - 6) Immediately send a message to the customer's registered e-mail account acknowledging receipt of the electronic LOA;
 - 7) Retain the electronic LOA for a period of at least five years after execution; and
 - 8) Provide a written and/or electronic copy of the LOA to the Commission or its Staff, the customer, or the customer's incumbent RES upon request.
- c) In the event of any conflict between this Section and the requirements for RESs and LOAs provided in electric utility tariffs on file with the Commission as of the effective date of this Part, this Section shall control.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
650.20	Amendment
650.21	Amendment
650.60	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: PA 96-831, effective January 1, 2010, amends 520 ILCS 5/2.26 to provide that the fee for a Deer Hunting Permit to take deer with either bow and arrow or gun shall not exceed \$25. This Part is being amended to increase the fees for: resident either-sex permits from \$15 to \$25; resident antlerless permits from \$15 to \$17.50; nonresident antlerless permits from \$15 to \$25; nonresident antlerless landowner/shareholder/member/partner of LLC permit from \$15 to \$25. Amendments are also being made to: correct the definition of "immediate family" for eligibility for landowner/tenant permits to be consistent with turkey administrative rules, to adjust the application dates/deadlines for greater compatibility with the DNR Direct electronic licensing system, open new sites and update site-specific regulations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.

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

Stanley Yonkauski, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2009

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 650

WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

Section

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

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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. 11534, effective July 27, 2009; amended at 34 Ill. Reg. _____, effective _____.

Section 650.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Firearm Deer Permit" (~~\$25 for each either-sex permit and \$17.50 for each antlerless-only permit~~~~\$15~~). Fees for non-resident deer hunters shall be \$300 for each either-sex or antlered-only deer hunting permit, and shall be ~~\$25~~~~\$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.

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Nonresidents may not apply to participate in the First Lottery Drawing. Applications received after the last weekday in April will not be included in this lottery. Permits will be allocated in a computerized random drawing. Permits will be issued as either sex, antlerless only, or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person. Applicants for free landowner/tenant permits are not eligible to participate in the First or Second Lottery Drawings. Landowners who receive permits in the First or Second Lottery Drawing are not eligible for landowner permits. 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 [the appropriate fee](#) ~~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 [third Monday](#) ~~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 [the appropriate fee](#) ~~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 starts the [second Tuesday in September](#) ~~first weekday after September 14~~ and ends the first [Monday](#) ~~weekday~~ in October, during

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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 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 ~~Tuesday~~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) Hunter preference in obtaining a permit during the First Lottery Drawing will be given: to individuals that applied for an either-sex permit in the previous year's First Lottery Drawing who were rejected because the quota was depleted in their county choices; or to applicants that received, in the previous year, a second season either-sex permit in the First Lottery Drawing only. In order to be eligible for preference during the First Lottery Drawing, the second season box must have been checked on the application form of unsuccessful applicants when they were rejected. Preference will not be granted to applicants who received a full-season either-sex permit but who did not receive an antlerless-only permit. Persons with lottery preference will have first chance at receiving available either-sex permits. The following criteria must be met to obtain a preference in the First Lottery Drawing:
 - 1) The applicant must apply using the official Department application.
 - 2) The applicant must be a resident of the State, be eligible to receive a Firearm Deer Permit, and not had deer hunting privileges revoked pursuant to Section 650.50.

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- 3) The applicant must apply for the same county choices that he/she listed on the previous year's application. Preference will not be granted for special hunt areas.
- j) Applications may be accepted at the counter window of the permit office; however, permits 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) 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) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 650.21 Deer Permit Requirements – Landowner/Tenant Permits

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

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tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family, may apply for a free either-sex permit for their property only in counties open for firearm deer hunting. Recipients of the free either-sex permit will also be given a free antlerless-only permit for their property only. Nonresident Illinois landowners (of 40 acres or more land) are also eligible to apply for one either-sex permit and one antlerless-only permit for their property only. The fee to nonresident Illinois landowners (of 40 acres or more land) for permits for their property only shall be \$150 for the either-sex permit and ~~\$25~~\$15 for the antlerless-only permit. These applications will not be subject to the public lottery process. This deer hunting permit *shall be valid on all farmlands which the person to whom it is issued owns, leases or rents* [525 ILCS 5/2.26] in counties open for firearm deer hunting.

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

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drawing for permits in order to apply for and receive a property-only permit.

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

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- 1) Bona fide equity shareholders of corporations, bona fide equity members of limited liability companies, bona fide current income beneficiaries of trusts or bona fide partners of a partnerships owning 40 or more acres of land in a county may apply for one either-sex permit to hunt the corporation, limited liability company, trust or partnership lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, for corporations, trusts and limited liability companies, and a maximum number of 3 permits per county for partnerships, shall be issued based on ownership of lands by corporations, limited liability companies, trusts or partnerships. Lands leased to corporations, limited liability companies, trusts or partnerships shall not be considered as a basis for a permit for the shareholders/members/beneficiaries/partners of the lessee. Lands held in trust by corporations, limited liability companies or partnerships shall not be considered as a basis for a permit by the shareholders/members/partners of the trustee. If application is made for a permit based upon lands owned by the corporation, limited liability company, trust or partnership, a duly authorized officer of the corporation, limited liability company, trust or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, company, trust or partnership lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder, member, beneficiary or partner, as defined in this subsection, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation, limited liability company, or trust lands and no more than 3 authorizations will be requested per county for partnership lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder/member/partner either-sex permit shall be free to resident shareholders/members/partners, and the cost to nonresident shareholders/members shall be \$150. An antlerless-only shareholder/member/partner permit (free to resident shareholders/members/partners; ~~\$25~~\$15 to nonresident shareholders/members) will be made available if in the best interest of managing the deer herd. Nonresident partners cannot receive permits under this subsection.

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

- A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has

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

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firearm deer permits may not apply for additional permits in the First or Second Lottery Drawing. Landowners or tenants that apply for county-wide paid landowner firearm deer permits must have been rejected in the First Lottery drawing for a permit in the county in which they own or lease land, and they may not apply for additional permits in the Second Lottery Drawing.

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

(Source: Amended at 34 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 be harvested at those sites listed in this Section that are followed by a (4).
- g) Statewide regulations shall apply at the following sites:

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[Butterfield Trail State Recreation Area \(2\)](#)

Cache River State Natural Area (1) (2)

Campbell Pond State Habitat Area (1) (2)

Cape Bend State Fish and Wildlife Area (1) (2)

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

Carlyle Lake State Wildlife Management Area (except subimpoundment area)

Chauncey Marsh State Natural Area (1) (2)

Collier Limestone Glade State Natural Area (1)

Copperhead Hollow State Wildlife Area (2)

Crawford County State 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 State Wildlife Management Area

Dog Island State 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)

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

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Giant City State Park (1) (2)

Hamilton County State Conservation Area (1) (2)

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

Kaskaskia River State 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 State 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 State 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 State Fish and Waterfowl Management Area – Pools 25 and 26 (Batchtown, Crull Hollow and Godar Waterfowl Rest Areas are closed to hunting beginning 14 days before the regular duck season; areas reopen to hunting the day after duck season closes; it is unlawful to trespass upon the designated duck hunting areas between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck season only, deer hunters may not access the designated duck hunting areas by launching a boat at certain specifically posted boat ramps; boat ramps reopen to deer hunters the day after duck season closes; [hunting is allowed at](#)

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[Red's Landing and Riprap Landing walk-in areas from 12:00 p.m. to ½ hour after sunset](#) (1)

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Newton Lake State Fish and Wildlife Area (2)

Oakford State Conservation Area (1)

Pere Marquette State Park (1) (2)

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

Saline County State 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 State Natural Area (1) (2)

Skinner Farm State Habitat Area (1) (2)

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

Trail of Tears State Forest (1) (2)

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

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

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

Wildcat Hollow State Forest (1)

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Wise Ridge State Natural Area (1)

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

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

Argyle Lake State Park (2) (5)

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) (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 Highway 14 and State Route 48 – both sides of lake) (1)

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Coffeen Lake State Fish and Wildlife Area

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

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 State 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)

Hurricane Creek State Habitat Area

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

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Iroquois County State 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 State Fish and Wildlife Area (1) (2) (5)

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

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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 State Fish and Wildlife Area (2) (5)

Middle Fork State Fish and Wildlife Area (2)

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

Momence Wetlands State Natural Area

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)

[Prairie Ridge State Natural Area \(Jasper County\)](#)

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)

Ray Norbut State Fish and Wildlife Area (2)

Revis Hill Prairie State Natural Area (2)

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

Sand Ridge State Forest (2)

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Sangamon County State Conservation Area (1)

[Sangamois State Wildlife Area \(Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting season\) \(1\)](#)

Siloam Springs State Park (2) (3)

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

Starved Rock State Park (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 State Nature Preserve (first or second season only; antlerless only) (2)

Weinberg-King State Park (2)

Weinberg-King State Park – Scripps Unit (2)

Weldon Springs State Park – Piatt County Unit

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

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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)

[Winston Tunnel State Natural Area \(first or second season only\) \(2\)](#)

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 34 Ill. Reg. _____, effective _____)

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
660.20	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: PA 96-831, effective January 1, 2010, amends 520 ILCS 5/2.26 to provide that the fee for a Deer Hunting Permit to take deer with either bow and arrow or gun shall not exceed \$25. These amendments propose fee increases for: resident either-sex permits from \$15 to \$25, resident antlerless permits from \$15 to \$17.50, nonresident either-sex permits from \$250 to \$300 (to be same as firearm), and nonresident antlerless permits from \$15 to \$25. Amendments also adjust the application dates/deadlines for greater compatibility with the DNR Direct electronic licensing system, add new sites and update site-specific regulations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

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Stanley Yonkausk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2009

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND 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. 11555, effective July 27, 2009; amended at 34 Ill. Reg. _____, effective _____.

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Section 660.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid Muzzleloading Rifle Deer Permit (~~\$25 for each either-sex permit and \$17.50 for each antlerless-only permit \$15~~). Fees for non-resident deer hunters shall be ~~\$300\$250~~ for each either-sex or antlered-only deer hunting permit, and ~~shall be \$25\$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 ~~the appropriate fee 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

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special hunt area.

- 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 ~~third Monday~~~~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 ~~the appropriate fee~~~~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 starts the ~~second Tuesday in September~~~~first working day after September 14~~ and ends the first ~~Monday~~~~weekday~~ in October 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 ~~Tuesday~~~~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.

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- h) Hunter preference in obtaining a muzzleloading rifle permit during the First Lottery Drawing shall be given to individuals that applied for an either-sex muzzleloading permit in the previous year's First Lottery Drawing who were 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 application.
 - 2) The applicant must be a resident of the State, be eligible to receive a Muzzleloading Rifle Deer Permit, and not had deer hunting privileges revoked pursuant to Section 660.50.
 - 3) The applicant must apply for the same county choices that he/she listed on the previous year's application. Preference will not be granted for special hunt areas.
 - 4) Where applicants apply as a group, preference for the entire group shall apply as it does above for the individual. All county choices for the group must be identical.
- i) Applications shall be accepted at the counter window of the permit office; however, permits 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) Permits are not transferable. Refunds shall not be granted unless the Department of Natural Resources has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- k) A \$3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. 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) 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

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news release will announce the extension of the application period.

- m) Hunting without a permit is a Class B misdemeanor (see 520 ILCS 5/2.24). Providing false information on a permit application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 34 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:

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Butterfield Trail State Recreation Area (2)

Cache River State Natural Area (1) (2)

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

Cape Bend State Fish and Wildlife Area (1) (2)

Carlyle Lake State Wildlife Management Area except subimpoundment areas

Carlyle Lake Lands and Waters – Corps of Engineers managed lands

Chauncey Marsh State Natural Area (1) (2)

Collier Limestone Glade State Natural Area (1)

Copperhead Hollow State Wildlife Area (1) (2)

Crawford County State 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 State Wildlife Management Area

Dog Island State Wildlife Management Area (1) (2)

Ferne Clyffe State Park (1) (2)

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

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

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Giant City State Park (1) (2)

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

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

Kaskaskia River State 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 State Fish and Wildlife Area (1) (2)

Lusk Creek Canyon State Natural Area (1)

Meeker State Habitat Area (1) (2)

Mermet Lake State Conservation Area (1) (2)

Middle Fork State 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 State Fish and Waterfowl Management Area – Pools 25 and 26 (Batchtown, Crull Hollow and Godar Waterfowl Rest Areas are closed to hunting)

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beginning 14 days before the regular duck season; areas reopen to hunting the day after duck season closes; it is unlawful to trespass upon the designated duck hunting areas between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck season only, deer hunters may not access the designated duck hunting areas by launching a boat at certain specifically posted boat ramps; boat ramps reopen to deer hunters the day after duck season closes; hunting is allowed at Red's Landing and Riprap Landing walk-in areas from 12:00 p.m. to ½ hour after sunset) (1)

Oakford State Conservation Area (1)

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

Pyramid State Park (2) (4)

Pyramid State Park – East Conant Unit (4)

Ray Norbut State Fish and Wildlife Area (2)

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

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

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

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

Sielbeck Forest State Natural Area (1) (2)

Skinner Farm State Habitat Area (1) (2)

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

Trail of Tears State Forest (1) (2)

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

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

Weinberg-King State Park (2)

Weinberg-King State Park – Scripps Unit (2)

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

Wildcat Hollow State Forest (1)

Wise Ridge State Natural Area

- 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) (2) (6)

Cedar Glen State Natural Area (closed during the second firearm deer season) (1) (2)

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

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

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

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

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

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

Lake Shelbyville Project Lands 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 Lands 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 State 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)

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

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

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

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

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

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

Spoon River State Forest (closed during second firearm deer season) (1) (2)

Starved Rock State Park (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 State Nature Preserve (closed during the second firearm deer season; antlerless deer only) (2)

Winston Tunnel State Natural Area (closed during the second firearm deer season) (2)

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

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

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
670.20	Amendment
670.21	Amendment
670.60	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: PA 96-831, effective January 1, 2010, amends 520 ILCS 5/2.26 to provide that the fee for a Deer Hunting Permit to take deer with either bow and arrow or gun shall not exceed \$25. These amendments propose fee increases for: nonresident antlerless-only permits by \$10; a single over-the-counter non-resident antlerless permit from \$15 to \$25; combination non-resident permit from \$400 to \$410; and the non-resident landowner/shareholder combination permit from \$200 to \$210. Amendments also correct the definition of "immediate family" for eligibility for landowner/tenant permits to be consistent with turkey ad rules, adjust application dates/deadlines for greater compatibility with the DNR Direct electronic licensing system, allow nonresident archery hunters to purchase a second combination permit during the second sales period so long as permits remain in the quota (previously non-resident hunters were only allowed to purchase one combination permit), add new sites and update site-specific regulations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local

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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:

Stan Yonkausk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2009

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

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

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7217, effective May 22, 2001; amended at 25 Ill. Reg. 11471, effective August 14, 2001; amended at 26 Ill. Reg. 9356, effective June 17, 2002; amended at 27 Ill. Reg. 10025, effective June 23, 2003; amended at 28 Ill. Reg. 9968, effective July 6, 2004; amended at 29 Ill. Reg. 9761, effective June 24, 2005; amended at 30 Ill. Reg. 12196, effective June 28, 2006; amended at 31 Ill. Reg. 8202, effective May 25, 2007; amended at 32 Ill. Reg. 9337, effective June 13, 2008; amended at 33 Ill. Reg. 11571, effective July 27, 2009; amended at 34 Ill. Reg. _____, effective _____.

Section 670.20 Statewide Deer Permit Requirements

- a) All archery deer hunters must have a current, valid Illinois archery deer permit. Archery deer permits (except landowner/tenant property-only permits and nonresident permits issued to clients of outfitters as detailed in Section 670.20(c)) will authorize the holder to hunt in any of the open counties of the State, on property where permission to hunt has been obtained from the property owner. Nonresident archery deer permits issued to outfitter clients who received a permit based on the preference given to outfitter clients are valid only on property controlled by the outfitter used to gain preference.
- b) Resident archery deer permits are available over-the-counter (OTC) from agents designated by the Department (pursuant to 17 Ill. Adm. Code 2520) 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 ~~\$410~~\$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). Applicants may apply for and receive a maximum of one nonresident combination archery deer permit during this lottery period. 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

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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. Permits available after the lottery will be sold on a first-come, first-served basis to applicants who have not previously received a permit, or to applicants who have previously received one permit. The maximum number of nonresident combination archery deer permits that an individual may purchase is two.

- d) An unlimited number of nonresident single antlerless-only archery deer permits is available over-the-counter (OTC) from agents for a fee of ~~\$25~~\$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

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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 unless the Department has erroneously issued the permit.
- 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 34 Ill. Reg. _____, effective _____)

Section 670.21 Deer Permit Requirements – Landowner/Tenant Permits

- a) The immediate family of a landowner or tenant is limited to the spouse, children ~~and/or~~ parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. Hunting and mineral rights leases are not valid for a tenant permit.
- c) Resident Illinois landowners who own 40 acres or more of land and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family, may apply for a free combination archery deer permit for their property only. Non-resident Illinois landowners (of 40 acres or more) are also eligible to apply for a combination archery deer permit for their property only. The fee to non-resident Illinois landowners owning 40 acres or more for a combination permit for their property only shall be ~~\$210~~~~\$200~~. This deer hunting permit shall be valid on all farm lands owned, leased, or rented by the person to whom it is issued.

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- d) If property is owned or rented by more than one person, only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.
- e) Bona fide equity shareholders of corporations, bona fide equity members of limited liability companies, bona fide current income beneficiaries of trusts or bona fide partners of partnerships owning 40 or more acres of land in a county may apply for one either-sex permit to hunt the corporation, limited liability company, trust or partnership lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county for corporations, trusts, and limited liability companies and a maximum number of 3 permits per county for partnerships, shall be issued based on ownership of lands by corporations, limited liability companies, trusts or partnerships. Lands leased to corporations, limited liability companies, trusts or partnerships shall not be considered as a basis for a permit for the shareholders/members/beneficiaries/partners of the lessee. Lands held in trust by corporations, limited liability companies, or partnerships shall not be considered as a basis for a permit by the shareholders/members/partners of the trustee. If application is made for a permit based upon lands owned by the corporation, limited liability company, trust or partnership, a duly authorized officer of the corporation, limited liability company, trust or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, company, trust or partnership lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder, member, beneficiary or partner, as defined in this subsection, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation, limited liability company, or trust lands and no more than 3 authorizations will be requested per county for partnership lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder/member combination permit shall be free to resident shareholders/members/beneficiaries/partners, and the cost to non-resident shareholders/members/beneficiaries shall be ~~\$210~~\$200. Non-resident partners cannot receive permits under this subsection.
- 1) Bona fide equity shareholder means an individual who:
- A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a

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value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and

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

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

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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

- a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more restrictive.
- b) It is unlawful to drive deer, or participate in a deer drive, on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by 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

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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 State Fish and Wildlife Area (2)

Apple River Canyon State Park – Thompson and Salem Units (2)

Argyle Lake State Park [\(1\)](#)(2)

* Banner Marsh State Fish and Wildlife Area (2)

* Beall Woods State Park (1) (2)

* Big Bend State Fish and Wildlife Area (1) (2)

Big River State Forest [\(1\)](#) (2)

[Buffalo Rock State Park/Blackball Mines Nature Preserve \(2\)](#)

Burning Star 5 State Wildlife Management Area (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) (4)

[Butterfield Trail State Recreation Area \(2\)](#)

Cache River State Natural Area (1) (2)

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

Cape Bend State Fish and Wildlife Area (1) (2)

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

Carlyle Lake State 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

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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 State 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 State Wildlife Management Area

Dixon Springs State Park (1) (2)

Dog Island State 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)

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)

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- * ~~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)

Green River State Wildlife Area (1) (2)

Hanover Bluff State Natural Area (2)

Hindsboro State Habitat Area (October 1 through October 31 only)

Horseshoe Lake State 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

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to hunt)) (2)

Kaskaskia River State Fish and Wildlife Area (~~the State-owned portion of the defined waterfowl rest area is open until 2 weeks prior to the start of the regular duck season through the close of the regular duck and Canada goose seasons;~~ 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 State Fish and Wildlife Area (1) (2)

Kishwaukee River State Fish and Wildlife Area (2)

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

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

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

Lowden-Miller State Forest (1) (2)

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

Lusk Creek Canyon State Natural Area (1)

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

Marseilles State 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)

Mernmet Lake State Conservation Area (1) (2)

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

Miller-Anderson Woods State Natural Area (2)

Mississippi State 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; hunting is allowed at Red's Landing and Riprap Landing walk-in areas from 12:00 p.m. to ½ hour after sunset) (1)

Mississippi River Pool 16 (1)

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Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Mitchell's Grove State 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 State Conservation Area

* 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 State Conservation Area (1) (2)

Rauchfuss Hill State Recreation Area (1) (2)

Ray Norbut State 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

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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 State Fish and Wildlife Area (2)

* Rockton Bog State Natural Area (2)

Saline County State 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 State Conservation Area

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

* Shabbona Lake State Park (2)

Sielbeck Forest State 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

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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 State Fish and Wildlife Area (1) (2)

Union County State 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 State 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)

* Washington County State Conservation Area (1) (2)

Weinberg-King State Park (2)

Weinberg-King State Park – Cecil White Unit

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

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)

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– 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)

Winston Tunnel State Natural Area (2)

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

Woodford State 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 State 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)

* Frank Holten State Park (opens November 1; crossing of Harding Ditch within confines of site allowed; no hunting from Harding Ditch right-of-way; drawing for weekly hunter quotas will be held prior to the season; display windshield card while hunting; harvest report due to site by January 31, failure shall result in ineligibility to hunt at the site the following year) (1)

Goode's Woods State 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

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

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

Union County State Fish and Wildlife Area (refuge portion only; first weekend (Friday, Saturday and Sunday) in November)

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

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

Clinton Lake State Recreation Area (an antlerless deer must be taken on the site before an antlered deer is harvested)

Coffeen Lake State Fish and Wildlife Area

Copperhead Hollow State Wildlife Area (1)

~~Des Plaines State Conservation Area (archery deer hunting is closed in hunting areas open for the controlled upland game program on days the controlled upland game program is operating) (2)~~

Des Plaines Game Propagation Center (2)

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

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hunting policy) (4)

[Finrock State Habitat Area \(October 1-31 only; eligible hunters required to obtain Clinton Lake State Recreation Area site hunting permit\)](#)

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 State 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 State Fish and Wildlife Area

* Mississippi Palisades State Park (closed during the first firearm deer season) (1) (2)

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

* Pekin Lake State 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 State Conservation Area (1)

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

Sand Ridge State Forest

Shelbyville State 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)

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- * Snakeden Hollow State Fish and Wildlife Area (October 1 through start of the central zone goose season)
- * Spring Lake State Fish and Wildlife Area (1)
- * Stephen A. Forbes State Park (1)

Ten Mile Creek State Fish and Wildlife Area (areas designated as refuge are closed to all access during Canada goose season only) (1); Belle Rive Unit only (4)

Wise Ridge State Natural Area (1)

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 the Department, contact Corps of Engineers, Lake Shelbyville office, for specific deer hunting policy) (2) (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)

Des Plaines State Conservation Area (2)

Iroquois County State Conservation Area (2)

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

Moraine View State Park (1)

Wayne Fitzgerald State Recreation Area (no bowhunting during

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controlled hunts as posted at the site) (2)

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

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

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

Siloam Springs State Park (2) (4)

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

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)

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James Pate Philip State Park and Heron Woods State Habitat Area (2)

Moraine Hills State Park (2)

Volo Bog State Natural Area (2)

~~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 34 Ill. Reg. _____, effective _____)

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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>
685.20	Amendment
685.40	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: Proposed amendments to this Part will allow nonresident youth hunters to participate in the special youth deer hunt for the same permit fee as resident youth, which requires clarification of requirements for accompanying supervising adults.
- 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:

Stan Yonkauski, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

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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 (Repealed)
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. 11609, effective July 27, 2009; amended at 34 Ill. Reg. _____, effective _____.

Section 685.20 Statewide Deer Permit Requirements

- a) All eligible youth Illinois resident hunters must have a current, valid "Youth Deer Hunt Permit" (\$10). The Youth Deer Season is only open to hunters Illinois residents who have not reached their 16th birthday prior to the opening date of the

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season. Hunters must have an apprentice hunting license, or they must have completed a State-approved Hunter Education course and have a hunting license, unless exempt. ~~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.

- b) Youth Deer Permits will be available for sale over-the counter (OTC) from agents beginning the first Tuesday in August ~~4~~ through the last day of the Youth Deer Season. Hunters may purchase only a single permit (either-sex) for one of the included counties.
- c) 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].
- d) 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) Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit.
- f) 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.
- g) 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.
- h) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 685.40 Statewide Deer Hunting Rules

- a) Bag limits: One deer per legally authorized permit. All either-sex permits are

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subject to the following restrictions: 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.

- b) Each hunter participating in the Youth Deer Hunt while using an Apprentice Hunter License must be accompanied by a non-hunting, validly-licensed (Illinois hunting license) parent, guardian or grandparent. All other hunters participating in the Youth Deer Hunt must each be accompanied by a non-hunting supervisor (parent, guardian or responsible adult) who has a valid Illinois hunting license or who has in his or her possession a valid Firearm Owners Identification (FOID) Card. ~~Each hunter participating in the Youth Deer Hunt must be accompanied by a nonhunting supervisor (parent, guardian, or responsible adult) who has in his or her possession a valid Firearm Owners Identification (FOID) Card.~~ The non-hunting~~nonhunting~~ supervisor must wear the orange garments required of gun deer hunters, and must remain with the hunting youth so as to have the youth under immediate control. Each supervisor may only accompany a single youth at any given time during the 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.
- c) 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 in the manner prescribed in Section 685.50 and on the permit.
- d) Hunters shall not have in their possession, while in the field during the Youth Deer Season, any deer permit issued to another person (permits are non-transferrable). Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).
- e) Permits shall not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.9900 Proposed Action: Amendment
- 4) Statutory Authority: 35 ILCS 20/35-5
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the regulation implementing the Tax Shelter Voluntary Compliance Law to reflect current Departmental practices in administering that Law. The original regulation required taxpayers participating in the voluntary compliance program to compute and pay during the voluntary compliance period the full amount additional tax due with respect to participation in tax shelter transactions plus interest. Many taxpayers were unable to comply with that requirement, and the Department has determined that a taxpayer who promptly pays any additional tax and interest due after determination by the Department should still be allowed the benefits of participation in the program.
- 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>
100.3374	New Section	32 Ill. Reg. 19894; December 26, 2008
100.5150	Amendment	33 Ill. Reg. 12662, September 18, 2009
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

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- 12) Time, Place and Manner in which interested persons may comment on this rulemaking:
Persons who wish to submit comments on this rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Paul Caselton
Deputy General Counsel – Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield IL 62794

217/524-3951

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small businesses that made errors in their voluntary compliance filings and promptly correct the errors after determination by the Department will not be denied the benefits of participating in the voluntary compliance program.
 - 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: July 2009

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

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

SUBPART A: TAX IMPOSED

Section

- 100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

- 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
100.2165 Education Expense Credit (IITA 201(m))
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AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg.

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685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378,

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effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008; amended at 32 Ill. Reg. 17492, effective October 24, 2008; amended at 33 Ill. Reg. 1195, effective December 31, 2008; amended at 33 Ill. Reg. 2306, effective January 23, 2009; amended at 33 Ill. Reg. 14168, effective September 28, 2009; amended at 33 Ill. Reg. 15044, effective October 26, 2009; amended at 34 Ill. Reg. _____, effective _____.

SUBPART DD: MISCELLANEOUS

Section 100.9900 Tax Shelter Voluntary Compliance Program

- a) Section 35-5(a) of the Tax Shelter Voluntary Compliance Law [35 ILCS 20/35-5(a)] provides that the Department *shall establish and administer a tax shelter Voluntary Compliance Program as provided in this Section for eligible taxpayers subject to tax under the Illinois Income Tax Act. The tax shelter voluntary compliance program shall be conducted from October 15, 2004 to January 31, 2005 and shall apply to tax liabilities under Section 201 of the Illinois Income Tax Act attributable to the use of tax avoidance transactions for taxable years beginning before January 1, 2004.* The Voluntary Compliance Program provides for abatement of penalties that would otherwise be imposed on underpayment or underreporting of Illinois income tax liabilities attributable to participation in tax shelters. The Tax Shelter Voluntary Compliance Law directs the Department to *adopt rules, issue forms and instructions, and take such other actions as it deems necessary to implement the provisions of the Voluntary Compliance Program.*
- b) Definitions. For purposes of this Section:

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- 1) Tax Avoidance Transaction. Section 35-10 of the Tax Shelter Voluntary Compliance Law [35 ILCS 20/35-10] provides that "tax avoidance transaction" means any *plan or arrangement devised for the principal purpose of avoiding federal income tax. Tax avoidance transactions include, but are not limited to, "listed transactions" as defined in Treasury Regulations Section 1.6011-4(b)(2).*
- 2) Eligible Liability
 - A) "Eligible Liability" means the excess, if any, of:
 - i) the Illinois income tax liability for a taxable year properly computed without allowing the net tax benefits of any tax avoidance transaction, ~~over~~ ~~or~~
 - ii) the Illinois income tax liability for that taxable year properly computed allowing the tax benefits of any tax avoidance transactions in which the taxpayer participated.
 - B) The Illinois income tax liabilities under subsection (b)(2)(A)(i) shall be computed without allowing the net tax benefits of any tax avoidance transaction for the taxable year at issue, whether or not such benefits are ultimately determined to be allowable and without allowing any benefits in the taxable year at issue that result from tax avoidance transactions in which the taxpayer participated in other tax years, such as, for example, by increasing any Illinois net loss or credit available to carry over into the taxable year at issue.
- 3) Voluntary Compliance Program Period. The "Voluntary Compliance Program Period" is October 15, 2004 through January 31, 2005, inclusive.
- c) Participation in the Voluntary Compliance Program. Participation in the Voluntary Compliance Program is made separately for each taxable year. In order to participate in the Voluntary Compliance Program for a taxable year, a taxpayer must, during the Voluntary Compliance Program Period:
 - 1) File Form VCP-1, Voluntary Compliance Participation Agreement, with an amended return reporting Illinois net income and tax for the taxable

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year, computed without regard to any tax avoidance transactions affecting Illinois net income for that taxable year.

- A) Any taxpayer who, as a result of participating in a tax avoidance transaction, determined that it had no Illinois income tax liability for a taxable year therefore chose not to file a return for that taxable year may participate in the Voluntary Compliance Program by filing an original return for that taxable year and reporting its Illinois net income and tax for the taxable year, computed without regard to any tax avoidance transactions affecting Illinois net income or tax for that taxable year.
 - B) A trust, estate, exempt organization, partnership or Subchapter S corporation shall file a Form IL-843, Amended Return or Notice of Change in Income, with a revised return in the proper form.
 - C) A partnership or Subchapter S corporation may file a composite return for that taxable year on behalf of any partners or shareholders eligible to be included in a composite return.
 - D) No return filed outside the Voluntary Compliance Program Period will qualify for relief under this Section. An unprocessable return filed during the Voluntary Compliance Program Period will qualify for relief under this Section only if a processable return is filed within 30 days after the Department has issued a notice to that taxpayer that the return filed was unprocessable.
 - E) Failure to correct an underreporting of tax that is not the result of participation in a tax avoidance transaction shall not preclude relief under this Section.
- 2) Pay the full amount of the Eligible Liability, plus interest on the Eligible Liability.
- A) Failure to pay any penalty or to pay any liability (or interest on such liability) other than the Eligible Liability shall not preclude relief under this Section.

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- B) If the Eligible Liability was eligible for amnesty under the Tax Delinquency Amnesty Act, interest that must be paid under this subsection (c)(2) shall be computed at 200% of the rate that would otherwise have been imposed under UPIA Section 3-2, as provided in UPIA Section 3-2(d).
- C) In the case of a taxpayer who makes a good faith attempt to compute the correct amount of ~~interest due on~~ the Eligible Liability, ~~attaches to its amended return a schedule showing its computation of interest due on the Eligible Liability,~~ and pays ~~that~~ the amount ~~so shown~~ during the Voluntary Compliance Program Period, failure to pay the full amount of the Eligible Liability~~interest due~~ shall not preclude relief under this Section if the full amount of the Eligible Liability (including any related penalty and interest) determined by the Department to be due ~~on the Eligible Liability~~ is paid within 30 days after the Department has issued a Notice and Demand for the unpaid amount.
- D) No payment made under protest under Section 2a.1 of the State Officers and Employees Money Disposition Act [30 ILCS 230/2a.1] shall be considered a payment made during the Voluntary Compliance Program Period under this subsection (c)(2).
- 3) Make the election to participate under Voluntary Compliance without Appeal or Voluntary Compliance with Appeal.
- A) The election shall be made by checking the appropriate box on the Form VCP-1, Voluntary Compliance Participation Agreement.
- B) Once made, the election may not be revoked.
- C) A separate election shall be made for each taxable year for which the taxpayer chooses to participate in the Voluntary Compliance program.
- D) No relief shall be allowed to any taxpayer for any taxable year for which the taxpayer fails to properly make the election in accordance with this subsection (c)(3).

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- d) Effect of Electing Voluntary Compliance without Appeal. If a taxpayer properly elects Voluntary Compliance without Appeal:
- 1) No claim for refund or credit shall be allowed with respect to the Eligible Liability. The taxpayer's rights to claim a refund or credit for other amounts paid that are not attributable to the tax avoidance transaction shall not be affected by this election.
 - 2) The following penalties that are otherwise applicable to the Eligible Liability for such taxable year shall be abated:
 - A) The negligence penalty imposed under IITA Section 1002(a), including any doubling of the penalty under UPIA Section 3-5(d).
 - B) The fraud penalty imposed under IITA Section 1002(b), including any doubling of the penalty under UPIA Section 3-6(c).
 - C) The penalty for underpayment of tax imposed under IITA Section 1005(a), including any doubling of that penalty under UPIA Section 3-3(i).
 - D) The reportable transaction penalty imposed under IITA Section 1005(b).
 - E) The 100% interest penalty imposed under IITA Section 1005(c).
 - F) The underreporting penalty imposed under UPIA Section 3-3(b-15)(2).
 - G) In the case of an Eligible Liability reported on an original return filed during the Voluntary Compliance Program Period, the penalty for failure to pay estimated tax imposed by IITA Section 804(a), including any doubling of that penalty under UPIA Section 3-3(i).
 - H) Because the Voluntary Compliance Program Period will expire before the date the first disclosure of participation in a reportable transaction could be due under IITA Section 501(b), filing of an

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amended return during the Voluntary Compliance Program Period reversing the tax benefits of a reportable transaction will avoid penalty under IITA Section 1001(b) for failure to disclose a reportable transaction.

- 3) None of the penalties listed in this subsection (d)(2) shall be abated under the Voluntary Compliance Program to the extent imposed with respect to a liability assessed prior to October 15, 2004. No other penalties (including, but not limited to, any penalties for late payment of tax or underpayment of tax resulting from any underpayment other than the Eligible Liability) are abated or avoided merely by participation in the Voluntary Compliance Program. However, participation in the Voluntary Compliance Program will not affect any right the taxpayer would otherwise have to abatement of penalties or to contest the imposition of penalties.
 - 4) The Department shall not seek civil or criminal prosecution against the taxpayer for such taxable year with respect to tax avoidance transactions, except as otherwise provided in Tax Shelter Voluntary Compliance Law.
 - 5) A claim for a refund of the Eligible Liability by a taxpayer who has elected Voluntary Compliance without Appeal shall be denied, but filing such claim will not disqualify the taxpayer from participation in the Voluntary Compliance Program.
- e) Effect of Electing Voluntary Compliance with Appeal. If a taxpayer properly elects Voluntary Compliance with Appeal:
- 1) Any otherwise-allowable claim for refund or credit shall be allowed with respect to the Eligible Liability, provided that, notwithstanding IITA Section 909(e), the taxpayer may not file a written protest until after either of the following:
 - A) the date the Department issues a notice of denial; or
 - B) the earlier of:

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- i) the date which is 180 days after the date of a final determination by the Internal Revenue Service with respect to the transactions at issue;
 - ii) the date that is three years after the date the claim for refund was filed; or
 - iii) the date that is one year after full payment of all tax, including penalty and interest.
- 2) Participation in the Voluntary Compliance Program with Appeal shall not affect any right the taxpayer otherwise has to claim a refund or credit or protest the denial of such claim for any amount paid other than the Eligible Liability.
- 3) Penalties
 - A) The following penalties for the taxable year that are otherwise applicable to the Eligible Liability for such taxable year shall be abated:
 - i) The reportable transaction penalty imposed under IITA Section 1005(b).
 - ii) The 100% interest penalty imposed under IITA Section 1005(c).
 - B) Because the Voluntary Compliance Program Period will expire before the date the first disclosure of participation in a reportable transaction could be due under IITA Section 501(b), filing of an amended return during the Voluntary Compliance Program Period reversing the tax benefits of a reportable transaction will avoid penalty under IITA Section 1001(b) for failure to disclose a reportable transaction.
 - C) Neither of the penalties listed in this subsection (e)(3)(A)(i) and (ii) shall be abated under the Voluntary Compliance Program to the extent imposed with respect to a liability assessed prior to October 15, 2004. No other penalties are abated or avoided merely by

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participation in the Voluntary Compliance Program. However, participation in the Voluntary Compliance Program will not affect any right the taxpayer would otherwise have to abatement of penalties or to contest the imposition of penalties.

- 4) The Department shall not seek civil or criminal prosecution against the taxpayer for such taxable year with respect to tax avoidance transactions, except as otherwise provided in the Tax Shelter Voluntary Compliance Law.
- f) Failure to Comply with All Requirements for Participation in the Voluntary Compliance Program. If the Department determines that a taxpayer who has been granted relief under this Section has failed to comply with all requirements of this Section, any penalties that had been abated shall be deemed assessed as of January 31, 2005, and shall be immediately due and collectible, provided that nothing in this subsection shall preclude abatement of a penalty for reasonable cause, if otherwise applicable, or deprive the taxpayer of any process otherwise available for seeking abatement of an assessed penalty.
- g) Participation in the Voluntary Compliance Program shall not be considered evidence that the taxpayer in fact engaged in a tax avoidance transaction.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Regional Transportation Authority Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 320
- 3) Section Number: 320.101 Proposed Action:
Amendment
- 4) Statutory Authority: Public Acts 95-708 and 95-723
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 95-708 authorized the Board of Directors of the Regional Transportation Authority (RTA) to increase the rate of the Retailers' Occupation and Service Occupation Tax it imposes in the metropolitan region (the Counties of Cook, DuPage, Kane, Lake, McHenry and Will). In Cook County, the authorized rate increased by 0.25%. In DuPage, Kane, Lake, McHenry and Will Counties, the authorized rate increased by 0.5%. Public Act 95-723 clarified that "selling price" does not include any local occupation tax administered by the Illinois Department of Revenue (see changes in subsections (b) and (c)).
- 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 create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Samuel J. Moore
Associate Counsel
Illinois Department of Revenue

DEPARTMENT OF REVENUE

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Legal Services Office
101 West Jefferson
Springfield IL 62794

217/782-2844

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Any business making sales of tangible personal property or transferring tangible personal property incident to a sale of service within the RTA's metropolitan region will be affected by the rate increase imposed by the RTA Board as authorized by Public Act 95-708.
 - B) Reporting, bookkeeping or other procedures required for compliance: Rate increases will be reflected on returns filed with the Illinois Department of Revenue.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2009

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 320
REGIONAL TRANSPORTATION AUTHORITY
RETAILERS' OCCUPATION TAX

Section

320.101	Nature of the Regional Transportation Authority Retailers' Occupation Tax
320.105	Registration and Returns
320.110	Claims to Recover Erroneously Paid Tax
320.115	Jurisdictional Questions
320.120	Incorporation of the Retailers' Occupation Tax Regulations by Reference
320.125	Penalties, Interest and Procedures
320.130	Effective Date

AUTHORITY: Authorized by and implementing Section 4.03 of the Regional Transportation Authority Act [70 ILCS 3615/4.03].

SOURCE: Adopted at 4 Ill. Reg. 28, p. 542, effective July 1, 1980; codified at 6 Ill. Reg. 9681; amended at 15 Ill. Reg. 6316, effective April 11, 1991; amended at 24 Ill. Reg. 18370, effective December 1, 2000; amended at 34 Ill. Reg. _____, effective _____.

Section 320.101 Nature of the Regional Transportation Authority Retailers' Occupation Tax

a) Authority to Impose Tax

The Board of Directors of the Regional Transportation Authority is authorized to impose a tax on persons engaged in the business of selling tangible personal property at retail within the metropolitan region as defined in Section 1.03 of the Regional Transportation Authority Act [70 ILCS 3615/1.03](Ill. Rev. Stat. 1989, ch. 111½, pars. 701.01 et seq.), at a rate of 1.25%1% of the gross receipts from sales, within the County of Cook, of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics, and 1%34% of the gross receipts from other taxable sales made in the course of such business within the County-county of Cook and 0.75%44% of the gross receipts

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from all taxable sales made in the course of such business within the Counties of DuPage, Kane, Lake, McHenry and Will. ~~[70 ILCS 3615/4.03(e)](Ill. Rev. Stat. 1989, ch. 111½, par. 704.03(e))~~

- b) **Passing on the Tax**
The legal incidence of the Regional Transportation Authority Retailers' Occupation Tax is on the seller. Nevertheless, the General Assembly has authorized persons subject to this tax to reimburse themselves for their sellers' Regional Transportation Authority Retailers' Occupation Tax liability by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which sellers are required to collect under the Use Tax Act ~~[35 ILCS 105](Ill. Rev. Stat. 1989, ch. 120, pars. 439.1 et seq.)~~ and the additional charge authorized under the provisions of the Home Rule Municipal Retailers' Occupation Tax Act ~~[65 ILCS 5/8-11-1](Ill. Rev. Stat. 1989, ch. 24, par. 8-11-1)~~, ~~the~~ Non-Home Rule Municipal Retailers' Occupation Tax Act ~~[65 ILCS 5/8-11-1.3](Ill. Rev. Stat. 1989, ch. 24, par. 8-11-1.3)~~ ~~or~~ the Home Rule County Retailers' Occupation Tax Act ~~[55 ILCS 5/5-1006]~~, ~~or any other local retailers' occupation tax administered by the Department,~~(Ill. Rev. Stat. 1989, ch. 34, par. 5-1006) pursuant to such bracket schedules as the Department has prescribed. (See, 86 Ill. Adm. Code 150.Table A.)
- c) **Exclusion From "Gross Receipts"**
Any amount added to the selling price of tangible personal property by the seller because of a Regional Transportation Authority Retailers' Occupation Tax, or because of the Retailers' Occupation Tax ~~[35 ILCS 120](Ill. Rev. Stat. 1989, ch. 120, pars. 440 et seq.)~~, or because of the Home Rule Municipal Retailers' Occupation Tax, the Non-Home Rule Municipal Retailers' Occupation Tax, or the Home Rule County Retailers' Occupation Tax, ~~or any other local retailers' occupation tax administered by the Department,~~ or as Illinois Use Tax, and collected from the purchaser, shall not be regarded as a part of the seller's gross receipts that are subject to such Regional Transportation Authority Retailers' Occupation Tax.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Regional Transportation Authority Service Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 330
- 3) Section Number: 330.101 Proposed Action:
Amendment
- 4) Statutory Authority: Public Acts 95-708, 95-723 and 96-339
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 95-708 authorized the Board of Directors of the Regional Transportation Authority (RTA) to increase the rate of the Retailers' Occupation and Service Occupation Tax it imposes in the metropolitan region (the Counties of Cook, DuPage, Kane, Lake, McHenry and Will). In Cook County, the authorized rate increased by 0.25%. In DuPage, Kane, Lake, McHenry and Will Counties, the authorized rate increased by 0.5%. Public Act 96-339 added a cross-reference in the RTA Service Occupation Tax provisions to the MR/DD Community Care Act. Public Act 95-723 clarified that "selling price" does not include any local occupation tax administered by the Illinois Department of Revenue (see change in subsection (c)).
- 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Samuel J. Moore

DEPARTMENT OF REVENUE

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Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield IL 62794

217/782-2844

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Any business making sales of tangible personal property or transferring tangible personal property incident to a sale of service within the RTA's metropolitan region will be affected by the rate increase imposed by the RTA Board as authorized by Public Act 95-708.
 - B) Reporting, bookkeeping or other procedures required for compliance: Rate increases will be reflected on returns filed with the Illinois Department of Revenue.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2009

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

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 330

REGIONAL TRANSPORTATION AUTHORITY
SERVICE OCCUPATION TAX

Section

330.101	Nature of the Regional Transportation Authority Service Occupation Tax
330.105	Registration and Returns
330.110	Claims to Recover Erroneously Paid Tax
330.115	Jurisdictional Questions
330.120	Incorporation of Service Occupation Tax Regulations by Reference
330.125	Penalties, Interest and Procedures
330.130	Effective Date

AUTHORITY: Authorized by and implementing Section 4.03 of the Regional Transportation Authority Act [70 ILCS 3615/4.03].

SOURCE: Adopted at 4 Ill. Reg. 28, p. 551, effective July 1, 1980; codified at 6 Ill. Reg. 9681; amended at 15 Ill. Reg. 5822, effective April 5, 1991; amended at 34 Ill. Reg. _____, effective _____.

Section 330.101 Nature of the Regional Transportation Authority Service Occupation Tax

a) Authority to Impose Tax

The Board of Directors of the Regional Transportation Authority is authorized to impose tax on persons engaged in the business of making sales of service within the metropolitan region as defined in Section 1.03 of the Regional Transportation Authority Act [70 ILCS 3615/1.03]. (~~Ill. Rev. Stat. 1989, ch. 111½, pars. 701.03~~) The tax rate shall be: 1.25% of the serviceman's cost price of food prepared for immediate consumption and transferred incident to a sale of service subject to the service occupation tax by an entity licensed under the Hospital Licensing Act [210 ILCS 85], the Nursing Home Care Act [210 ILCS 45], or the MR/DD Community Care Act [210 ILCS 47] that is located in the metropolitan region; 1.25% of the selling price of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing

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materials, syringes and needles used by diabetics; and 1%~~3/4~~% of the selling price from other taxable sales of tangible personal property transferred as an incident to ~~thesueh~~ sale of service within the County of Cook and 0.75%~~1/4~~% of the selling price of tangible personal property transferred as an incident to ~~thesueh~~ sale of service within the Counties of DuPage, Kane, Lake, McHenry and Will. ~~The~~~~This~~ tax imposed pursuant to this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Illinois Department of Revenue ~~(Department)~~.

b) Passing on the Tax

Servicemen are required to collect the Regional Transportation Authority Service Occupation Tax ~~[70 ILCS 3615/4.03](Ill. Rev. Stat. 1989, ch. 111~~1/2~~, par. 704.03)~~; (when applicable); from purchasers of service in conformance with the requirements of the Service Occupation Tax Regulations (86 Ill. Adm. Code 140). The legal incidence of the Regional Transportation Authority Service Occupation Tax is on the serviceman. Nevertheless, the General Assembly has authorized persons subject to this tax to reimburse themselves for their serviceman's Regional Transportation Authority Service Occupation Tax liability by separately stating ~~thatsueh~~ tax as an additional charge ~~that, which charge~~ may be stated in combination, in a single amount, with State tax ~~which~~ servicemen are authorized to collect under the Service Use Tax Act ~~[35 ILCS 110](Ill. Rev. Stat. 1989, ch. 120, pars. 439.31 et seq.)~~, pursuant to such bracket schedules as the Department has prescribed. (See 86 Ill. Adm. Code 150. Table A.)

c) Exclusion from "Cost Prices"

Any amount added by a serviceman to the selling price of tangible personal property sold to a serviceman for retransfer as an incident to service because of Regional Transportation Authority Service Occupation Tax, or because of the Illinois Service Occupation Tax ~~[35 ILCS 115](Ill. Rev. Stat. 1989, ch. 120, pars. 439.101 et seq.)~~, and reimbursing amounts collected pursuant to ~~the~~ Home Rule County Service Occupation Tax Act ~~[55 ILCS 5/5-1007](Ill. Rev. Stat. 1979 1989, ch. 34, par. 5-1007)~~, Home Rule Municipal Service Occupation Tax Act ~~[65 ILCS 5/8-11-5](Ill. Rev. Stat. 1989, ch. 24, par. 8-11-5)~~, and Non-Home Rule Municipal Service Occupation Tax Act ~~[65 ILCS 5/8-11-1.4]~~, or any other local service occupation tax administered by the Department ~~(Ill. Rev. Stat. 1989, ch. 24, par. 8-11-1.4)~~ and collected from the ~~purchasing~~ serviceman, shall not be regarded as a part of the selling prices ~~thatwhich~~ are subject to ~~thesueh~~ Regional Transportation Authority Service Occupation Tax.

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(Source: Amended at 34 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Regional Transportation Authority Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 340
- 3) Section Number: 340.101 Proposed Action:
Amendment
- 4) Statutory Authority: Public Act 95-708
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 95-708 authorized the Board of Directors of the Regional Transportation Authority (RTA) to increase the rate of the Use Tax it imposes on titled and registered property purchased outside of the metropolitan region but registered to an address within the metropolitan region (the Counties of Cook, DuPage, Kane, Lake, McHenry and Will). In Cook County, the authorized rate increased by 0.25%. In DuPage, Kane, Lake, McHenry and Will Counties, the authorized rate increased by 0.5%.
- 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Samuel J. Moore
Associate Counsel
Illinois Department of Revenue
Legal Services Office

DEPARTMENT OF REVENUE

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101 West Jefferson
Springfield IL 62794

217/782-2844

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business, small municipality, or not for profit corporation that is not otherwise exempt and that purchases tangible personal property that must be titled or registered with an agency of this State's government at retail from a retailer outside the RTA's metropolitan region and that registers it to an address within the RTA's metropolitan region will be affected by this use tax rate increase imposed by the RTA Board as authorized by Public Act 95-708.
- B) Reporting, bookkeeping or other procedures required for compliance: Rate increases will be reflected on returns filed with the Illinois Department of Revenue.
- C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2009

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 340
REGIONAL TRANSPORTATION AUTHORITY USE TAX

Section	
340.101	Nature and Rate of the Tax
340.105	Items Covered
340.110	Incorporation of Use Tax Regulations by Reference
340.115	Penalties, Interest and Procedures
340.120	Effective Date

AUTHORITY: Authorized by and implementing Section 4.03 of the Regional Transportation Authority Act [70 ILCS 3716/4.03].

SOURCE: Adopted at 4 Ill. Reg. 28, p. 539, effective July 1, 1980; codified at 6 Ill. Reg. 9681; amended at 15 Ill. Reg. 5829, effective April 5, 1991; amended at 34 Ill. Reg. _____, effective _____.

Section 340.101 Nature and Rate of the Tax

If a Regional Transportation Authority Retailers' Occupation Tax is imposed, *the Board of Directors of the Regional Transportation Authority may impose a tax upon the privilege of using, in the metropolitan region, any item of tangible personal property which is purchased outside the metropolitan region at retail from a retailer, and which is titled or registered with an agency of this State's government, at a rate of ~~1%^{34%}~~ of the selling price of such tangible personal property within the county of Cook, and ~~0.75%^{4%}~~ of the selling price of such tangible personal property within the counties of DuPage, Kane, Lake, McHenry and Will, as "selling price" is defined in the "Use Tax Act" [35 ILCS 105/2](Ill. Rev. Stat. 1989, ch. 120, pars. 439.13 et seq.); ~~approved July 14, 1955, as now or hereafter amended.~~ Such tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the metropolitan region. Such tax shall be collected by the Department of Revenue for the Regional Transportation Authority. Such tax must be paid to the State, or an exemption determination must be obtained from the Department of Revenue before the title or Certificate of Registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or*

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| *registration.* [\[70 ILCS 3615/4.03\]](#)~~(Ill. Rev. Stat. 1989, ch. 111²/₃, par. 704.03.)~~

(Source: Amended at 34 Ill. Reg. _____, effective _____)

ILLINOIS BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Approval of Noninstructional Capital Projects
- 2) Code Citation: 23 Ill. Adm. Code 1040
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1040.21	New
1040.22	Amendment
- 4) Statutory Authority: Implementing Sections 8 and 9.11 and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/8, 9.05 and 9.11]
- 5) Effective Date of Amendments: December 8, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? The adopted amendments do not include incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act.
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Board of Higher Education's office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: September 4, 2009, 33 Ill. Reg. 12299.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These adopted amendments will ensure the Board is provided advance notice of noninstructional capital projects that will ultimately require Board approval. Currently, institutions submit requests for Board approval as a

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last step in the project approval process after final institutional governing board approval is given to proceed with the project. With these amendments, institutions will file notices of intent to undertake noninstructional capital projects whenever a governing board takes official action to authorize the planning or financing of a noninstructional capital project. A notice of intent will include basic information including description, purpose, estimated cost, fund sources, and plans to pay for operation and maintenance of the capital project. The notice of intent will precede the normal process by which institutions request Board approval.

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

Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
431 East Adams Street, 2nd Floor
Springfield, Illinois 62701

217/557-7358
217/782-8548 fax
helland@ibhe.org

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

ILLINOIS BOARD OF HIGHER EDUCATION

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER II: BOARD OF HIGHER EDUCATION

PART 1040

APPROVAL OF NONINSTRUCTIONAL CAPITAL PROJECTS

Section

1040.10	Purpose
1040.20	Definition of Terms
1040.21	Notice of Intent
1040.22	Required Documentation
1040.25	Criteria for Approval
1040.27	Submission Process
1040.30	Noninstructional Capital Improvements and Community College Locally-Funded Capital Projects (Repealed)

AUTHORITY: Implementing Sections 8 and 9.11 and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/8, 9.05 and 9.11].

SOURCE: Amended and effective April 15, 1976; rules repealed and new rules adopted and codified at 8 Ill. Reg. 16899, effective September 4, 1984; amended at 30 Ill. Reg. 19510, effective December 5, 2006; amended at 33 Ill. Reg. 17322, effective December 8, 2009.

Section 1040.21 Notice of Intent

Immediately after the Governing Board of any State-supported institution takes official action to authorize the planning or financing of a noninstructional capital project, the institution shall make this action known to the Board by completing a notice of intent on a form provided by the Board. The notice of intent shall, to the extent possible, include a description of the project, its purpose, the anticipated cost, the anticipated source of funds for purchase and construction, and the anticipated source of funds for operation and maintenance. The notice of intent is distinct from and precedes a request for approval of the noninstructional capital project.

(Source: Added at 33 Ill. Reg. 17322, effective December 8, 2009)

Section 1040.22 Required Documentation

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All requests for approval of new or revised noninstructional capital projects shall contain the following [in a format prescribed by the Board](#):

- a) Project Scope
 - 1) Provide a narrative description of the requested project using the following descriptors: buildings, additions, structures, land, equipment, utilities, remodeling, renovation, site improvements, and planning. Include the name and location of all facilities and properties.
 - 2) Provide quantified information. For acquisitions, include the size of parcels of property and the size of facilities (gross square feet). For remodeling, include the assignable square feet to be remodeled by room use classifications. Comply with guidelines for measuring gross and assignable areas identified in the "Postsecondary Education Facilities Inventory and Classification Manual (FICM): 2006 Edition" published by the U.S. Department of Education (NCES 2006-160), no further editions or amendments are included. Other information could include seating capacity, parking capacity, age of facilities, number of rooms, length of utility tunnels (linear feet), and roof size (square feet).
 - 3) For remodeling and renovation projects, distinguish between upgrades to and replacement of existing components and systems.
 - 4) Describe activities, functions, or entities the completed project will house or accommodate.
 - 5) Describe the allocation of completed space, by type, using classifications identified in the FICM.
 - 6) Provide the appraised value of any property or existing structures proposed for acquisition. Include the date and source of the appraisal.
 - 7) Explain how existing space will be reused after it is vacated. Briefly describe any projects, including a cost estimate and project timeline, that must be completed before the space can be reused for a new purpose.
 - 8) Identify any dependent relationship between the requested project and other on-going or anticipated capital projects.

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- 9) Provide a project schedule, including dates for design start, beginning construction, project bids and final completion.
- b) Project Rationale
- 1) State how the project will meet the noninstructional objectives of the institution. What is its relationship to the institution's mission and master plan? How does the project advance statewide goals?
 - 2) If a project upgrades or otherwise alters the use of existing space, describe the current condition of the existing space.
 - 3) Describe the capacity and utilization of space currently available to the institution to meet the noninstructional objectives of the proposed project. Describe by space type (room use code) and function.
 - 4) If a project adds assignable space to the institution (via new construction or adaptation of existing space for a new purpose), describe the factors or conditions (e.g., enrollment growth, change in enrollment mix, insufficient or inadequate space of a certain type, etc.) that justify the request. Explain why the proposed project must be undertaken.
- c) Project Financing
- 1) Provide the total project cost allocated by major component, including land acquisition, building, remodeling, renovation, planning and design, utilities, equipment purchases, and financing. What is the estimated cost per square foot? If the cost per square foot is greater than the current industry average, what factors are contributing to the increased cost? How much will each factor contribute? Indicate the source and date of cost estimates.
 - 2) Describe how the institution plans to finance the project (by dollar amount for each fund source). A description should be provided for how the institution plans to finance capital costs, as well as any related operating and maintenance costs.

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- 3) If a project is supported by an increase in student fees, provide the total annual increase required and the date the new or increased fees will become effective. Indicate if the institution's Board of Trustees has approved fee increases supporting the project. If not, when is approval anticipated? Does the institution foresee eliminating/sunseting the relevant fee increase when it has served its original purpose?
 - 4) If the proposed project will generate the need for additional operations and maintenance funding, provide an estimate of the annual costs. Describe how these costs will be financed.
 - 5) Provide a summary of projected annual revenues and expenses for the programs that will be housed in the space completed by the project. Annual revenues should include reallocations, lease payments, fee revenue, and any other revenue received by the institution that is relevant to the application. Expenses should include annual debt service requirements, operations and maintenance, reserve funds, and any other relevant obligations of the institution. Identify interest rate assumptions for proposed revenue bond sales.
 - 6) If a project is funded in whole or part by private donations, indicate if funding has been secured or pledged. What revenues are currently available? Outline the proposed time schedule for the capital campaign.
 - 7) If a project is funded in whole or part by incurring debt, provide a projection of the amount of borrowing and a schedule of interest and principal payments to retire the debt. Indicate the source of funds for paying debt service.
- d) Constituency Input in the Decision-making/Decisionmaking Process
- 1) Provide a brief description of the institution's decision-making/decisionmaking process. If advisory or review committees were created, briefly describe their membership, objectives and activities.
 - 2) Provide a copy of the governing board's resolutions and minutes reflecting approval of the project scope, project financing, including total project cost, and source of funds. Documentation should reflect approval dates.

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- 3) If the requested project requires new fees or significant restructuring of an existing fee program, describe the process used to inform and consult students. Has the student fee increase plan for the project been submitted to a student referendum? If so, provide a copy of the resolution presented to the students. Indicate the total number of students eligible to vote, the number voting, the numbers supporting and opposing the plan, and the date the referendum was held. If a student referendum was not held, what plans exist to consult students regarding this proposal?
- 4) Identify any other governmental approvals still required for the proposed project and the status of those approvals. Include environmental, historical preservation, and special permits of any kind. Do not include routine building permits.

(Source: Amended at 33 Ill. Reg. 17322, effective December 8, 2009)

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- 1) Heading of the Part: Tuition and Fee Waiver Guidelines
- 2) Code Citation: 23 Ill. Adm. Code 1075
- 3) Section Number: 1075.700 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Section 9.29 and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.29 and 9.05], Section 7g of the University of Illinois Act [110 ILCS 305/7g], Section 8g of the Southern Illinois University Management Act [110 ILCS 520/8g], Section 5-91 of the Chicago State University Law [110 ILCS 660/5-91], Section 10-91 of the Eastern Illinois University Law [110 ILCS 665/10-91], Section 15-91 of the Governors State University Law [110 ILCS 670/15-91], Section 20-91 of the Illinois State University Law [110 ILCS 675/20-91], Section 25-91 of the Northeastern Illinois University Law [110 ILCS 680/25-91], Section 30-91 of the Northern Illinois University Law [110 ILCS 685/30-91] and Section 35-91 of the Western Illinois University Law [110 ILCS 690/35-91]
- 5) Effective Date of Amendment: December 8, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? The adopted amendments do not include incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act.
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Board of Higher Education's office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: September 4; 2009, 33 Ill. Reg. 12306
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.

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- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The Board of Higher Education is authorized by statute to establish regulations limiting the percentage of undergraduate tuition that public universities may waive unless the waivers are authorized by statute (mandatory waivers). In addition to the mandatory waivers, the Board has excluded certain discretionary waivers from the three percent calculation when the Board has concluded that the benefits accruing to students or the universities outweigh the costs of the waived tuition.

While not a panacea for the major reduction in need-based student state aid, this proposed change in rules would exempt waivers granted to resident undergraduates on the basis of financial need from the three percent limitation. Student-need waivers are used to attract academically talented students who otherwise would be prohibited from attending due to cost. Public universities expanding the use of these waivers would not be subject to the budgetary adjustment permitted for institutions that exceed the three percent limit.

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

Academic Affairs
Karen Helland
Illinois Board of Higher Education
431 East Adams Street, Second Floor
Springfield, Illinois 62701-1404

217/557-7358
217/782-8548 fax
helland@ibhe.org

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

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER II: BOARD OF HIGHER EDUCATIONPART 1075
TUITION AND FEE WAIVER GUIDELINES

Section

1075.100	Purpose
1075.200	Definitions
1075.300	Waiver Accounting Classifications
1075.400	Fiscal Year Reporting
1075.500	Standard Tuition and Fee Waiver Chart of Accounts
1075.600	Institutional Requirements
1075.700	Waiver Limits

AUTHORITY: Implementing Section 9.29 and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.29 and 9.05], Section 7g of the University of Illinois Act [110 ILCS 305/7g], Section 8g of the Southern Illinois University Management Act [110 ILCS 520/8g], Section 5-91 of the Chicago State University Law [110 ILCS 660/5-91], Section 10-91 of the Eastern Illinois University Law [110 ILCS 665/10-91], Section 15-91 of the Governors State University Law [110 ILCS 670/15-91], Section 20-91 of the Illinois State University Law [110 ILCS 675/20-91], Section 25-91 of the Northeastern Illinois University Law [110 ILCS 680/25-91], Section 30-91 of the Northern Illinois University Law [110 ILCS 685/30-91] and Section 35-91 of the Western Illinois University Law [110 ILCS 690/35-91].

SOURCE: Adopted at 31 Ill. Reg. 3134, effective February 7, 2007; amended at 33 Ill. Reg. 17329, effective December 8, 2009.

Section 1075.700 Waiver Limits

- a) The amount of undergraduate tuition revenue that a public university may waive is limited to three percent of total available undergraduate tuition revenue, subject to the exceptions listed in subsection (b). Total available undergraduate tuition revenue is the total of all tuition charged and waived.
- b) Waivers excluded from the three percent limit include:

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- 1) Mandatory waivers granted in accordance with Section 1075.500(a) of this Part;
 - 2) Gender Equity in Intercollegiate Athletics waivers;
 - 3) Foreign Exchange Student waivers;
 - 4) Civil Service Staff: University Employee waivers;
 - 5) Civil Service Staff: Interinstitutional and Related Agencies waivers; ~~and~~
 - 6) Waivers offered through Board-approved bilateral or multilateral tuition reciprocity agreements; ~~and~~
 - 7) Financial aid waivers for Illinois resident students demonstrating financial need.
- c) Waivers expended by a public university above the three percent limit may result in an equal amount being adjusted from the university budget during the next Board budget cycle.

(Source: Amended at 33 Ill. Reg. 17329, effective December 8, 2009)

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- 1) Heading of the Part: Electronic Prescription Monitoring Program
- 2) Code Citation: 77 Ill. Adm. Code 2080
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2080.10	Amend
2080.20	Amend
2080.30	Amend
2080.50	Amend
2080.70	Amend
2080.90	Amend
2080.100	Amend
2080.200	New Section
2080.210	New Section
2080.211	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 316, 317, 318, 319, 320 and 321 of Article III of the Illinois Controlled Substances Act [720 ILCS 570/316, 317, 318, 319, 320 and 321]
- 5) Effective date of Amendments: December 9, 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' principal office and is available for public inspection.
- 9) Notices of proposal published in the Illinois Register: May 29, 2009; 33 Ill. Reg. 7060
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: There were no substantive changes to the rulemaking between the proposed and final version.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? There were no agreements issued by JCAR.

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- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: This rulemaking is necessary to: add Schedule III, IV and V drugs to the Prescription Monitoring Program; include language about the Illinois Prescription Information Library and how to access this system; authorize other states access to Illinois' Prescription Monitoring Program; and require pharmacists to report prescriptions dispensed weekly rather than semi-monthly.
- 16) Information and questions regarding these adopted amendments shall be directed to:
- Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762
- 217/785-9772
- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

DEPARTMENT OF HUMAN SERVICES

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TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER e: CONTROLLED SUBSTANCES ACTIVITIESPART 2080
ELECTRONIC PRESCRIPTION MONITORING PROGRAM

Section

2080.10	Authority
2080.20	Incorporation by Reference and Definitions
2080.30	General Description
2080.40	Official Triplicate Prescription Blanks (Repealed)
2080.50	Authorized Prescribers
2080.60	Application (Repealed)
2080.70	Schedule II, III, IV and V Drug Prescription Requirements
2080.80	Prohibited use of the Official Triplicate Prescription Blank (Repealed)
2080.90	Dispensing a Schedule II, III, IV or V Drug
2080.100	Dispenser Responsibility
2080.110	Partial filling of prescriptions (Repealed)
2080.120	Emergency situations (Repealed)
2080.130	Prescriptions from out-of-state prescribers and exempt Federal practitioners (Repealed)
2080.140	Exemptions for prescribers in hospitals and institutions (Repealed)
2080.150	Exemptions for long term care and home infusion services (Repealed)
2080.160	Exemptions for narcotic treatment programs (Repealed)
2080.170	Exemptions for research (Repealed)
2080.180	Investigatory and regulatory referrals (Repealed)
2080.190	Reports
2080.200	Prescriber and Dispenser Inquiry System
2080.210	Access to the Prescription Information Library (PIL)
2080.211	Other State Prescription Monitoring Authority Access

AUTHORITY: Implementing and authorized by Sections 316, 317, 318, 319, 320 and 321 of Article III of the Illinois Controlled Substances Act [720 ILCS 570/316, 317, 318, 319, 320 and 321].

SOURCE: Adopted at 10 Ill. Reg. 4497, effective March 3, 1986; amended at 17 Ill. Reg. 11424, effective July 6, 1993; amended at 20 Ill. Reg. 3107, effective February 2, 1996; recodified from the Department of Alcoholism and Substance Abuse to the Department of

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Human Services at 21 Ill. Reg. 9319; amended at 26 Ill. Reg. 3975, effective March 4, 2002; amended at 33 Ill. Reg. 17333, effective December 9, 2009.

Section 2080.10 Authority

This Part is promulgated pursuant to the Illinois Controlled Substances Act (the Act) [720 ILCS 570] that empowers the Department of Human Services to codify the efforts of this State to conform with the regulatory systems of the federal government and other states to establish national coordination of efforts to control the abuse of Schedule II, III, IV and V retail dispensed drugs. It relates to the collection of prescription information listed in Schedule II, III, IV and V within Sections~~Section~~ 206, 208, 210 and 212 of the Act, or in the federal Schedule II, III, IV and V and "Amendment of Schedules" list of drugs at 21 USC 812(b)(2), (b)(3), (b)(4), (b)(5) and (c).

(Source: Amended at 33 Ill. Reg. 17333, effective December 9, 2009)

Section 2080.20 Incorporation by Reference and Definitions

No incorporations by reference in this Part ~~include~~includes any later amendments or editions. The definitions that apply to this Part are those found in the Act.

"Act" means the Illinois Controlled Substances Act [720 ILCS 570].

"Birth Date" means medication recipient's birth date.

"Central Repository" means a place designated by the Department where Schedule II, III, IV and V drug data is stored or housed~~collected~~.

"DEA Number" means the United States Drug Enforcement Agency prescriber or dispenser registration number.

"Department" means the Illinois Department of Human Services, or its successor agency.

"Electronic Device" means using a computer system to transmit prescriptions from a prescriber directly to a dispenser.

"Exempt Prescribers in Hospitals and Institutions" means prescribers in hospitals or institutions licensed under the Hospital Licensing Act [210 ILCS 85] who

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authorize the administration or dispensing of Schedule II drugs within the hospital or institution.

"Facsimile Equipment" means any device capable of sending or receiving facsimile of documents through connection with a telecommunications network.

"Illinois Controlled Substances License Number" means the State license number issued by the Department of [Financial and Professional Regulation](#) permitting prescribers to possess, prescribe or dispense, and permitting dispensers to possess and dispense, controlled substances in Illinois pursuant to the Controlled Substances Act (see 77 Ill. Adm. Code 3100).

"National Drug Code (~~NDC~~)-Identification Number" [or "NDC Identification Number"](#) means the number used to provide uniform product identification for all substances recognized as drugs in the United States Pharmacopoeia National Formulary, [USP31-NF26First Edition](#) (US Pharmacopoeial Convention, 12601 Twinbrook Parkway, Rockville, Maryland 20852 (~~20082002~~)).

["Patient ID" means the identification of the individual receiving the medication or the responsible individual obtaining the medication on behalf of the recipient or the owner of the animal. The standards for establishing Patient ID for the purpose of proper filling of a prescription are established by Section 2080.70\(d\).](#)

"Prescribed" means ordered by a prescriber either verbally, electronically or in writing.

["Prescription Information Library" or "PIL" means a database containing six months of controlled substance, retail, prescription information that is accessible only by prescribers and dispensers for patient treatment usage.](#)

["Quantities of a Controlled Substance Dispensed" means the total of an NDC product dispensed whether it is in a solid unit such as a tablet or capsule, in a liquid unit such as milliliters, or in another unit as specified within the product identification.](#)

["Recipient's Name" means the given or common name of a person who is the intended user of a dispensed medication. It may also mean the species or common name or common given name of an animal that is the intended user of a](#)

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dispensed medication. If an animal's name is entered, the owner's name is required also.

"Schedule II, III, IV or V Drug" means any drug listed as a federal Schedule II, III, IV or V drug (21 USC 812(b)(2), (b)(3), (b)(4), (b)(5) and (c)) or listed as an Illinois Schedule II, III, IV or V drug by statute [720 ILCS 570/206, 208, 210 and 212] or rule.

"Sex" means the medication recipient's sex if the recipient is a human.

(Source: Amended at 33 Ill. Reg. 17333, effective December 9, 2009)

Section 2080.30 General Description

The ~~Electronic~~ Prescription Monitoring Program (PMP) monitors all retail prescriptions for Schedule II, III, IV and V drugs that are dispensed, except for hospital inpatients and drug abuse treatment programs licensed by the Department, within the State of Illinois. Each time a Schedule II, III, IV or V drug is dispensed, the dispenser must transmit specific information to a central repository designated by the Department.

(Source: Amended at 33 Ill. Reg. 17333, effective December 9, 2009)

Section 2080.50 Authorized Prescribers

A prescription for a Schedule II, III, IV or V drug shall be issued only by a prescriber who:

- a) Possesses a valid professional license issued by the Illinois Department of Financial and Professional Regulation (~~DFPR~~DFPR) as a physician licensed to practice medicine in all of its branches, dentist, optometrist, podiatrist, veterinarian, nurse practitioner, physician assistant or other licensed prescriber of another state or jurisdiction; and
- b) Is licensed to prescribe Schedule II, III, IV and V drugs by the State of Illinois or any state; and
- c) Must be registered by the United States Drug Enforcement Administration (DEA) to prescribe Schedule II, III, IV and V drugs.

(Source: Amended at 33 Ill. Reg. 17333, effective December 9, 2009)

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Section 2080.70 Schedule II, III, IV and V Drug Prescription Requirements

- a) A dispenser may fill a prescription for a Schedule II, III, IV or V drug upon receipt of a written, facsimile or verbal order of a physician unless otherwise specifically exempted or allowed by federal or State law.
- b) A prescription for a Schedule II, III, IV or V drug shall:
 - 1) If written, be dated as of and signed on the day when issued;
 - 2) Bear the full name and address of the patient, or in the case of veterinary treatment, the full name and address of the animal owner, as well as the species or common name of the animal being treated;
 - 3) Bear the full name and address of the prescriber;
 - 4) Bear the DEA Registration number of the prescriber;
 - 5) If written, be signed by the prescriber in the same manner as the prescriber would sign a check or legal document;
 - 6) If written, be written in ink with a pen, typewriter or computer printer or with an indelible pencil;
 - 7) Specify the drug name, strength, dosage and form;
 - 8) Specify the quantity of drug to be dispensed, both written and numeric;
 - 9) Not allow a Schedule II prescription to be filled more than seven days after the date of issue; ~~and~~
 - 10) Contain only one Schedule II drug prescription order per prescription blank;
 - 11) Limit the maximum time allowed for a Schedule III, IV or V prescription to be filled at six months with a maximum of five refills; and

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12) Allow more than one prescription order per prescription blank for a Schedule III, IV or V drug.

- c) In the case of an emergency, a prescriber may issue a lawful oral prescription, where failure to issue might result in loss of life or intense suffering. The oral prescription shall include a statement concerning the circumstances constituting the emergency for which the oral prescription was used. Within 7 days after issuing an emergency prescription, the prescriber shall cause a written prescription for the emergency quantity prescribed to be delivered to the dispensing pharmacist. The prescription shall comply with all aspects enumerated in 720 ILCS 570/309.

d) Patient ID for Proper Filling:

- 1) The sex field is a verifying element of a patient ID. It needs to be entered in the sex field.
- 2) The birth date is a verifying element of a patient ID and needs to be entered in the birth date field.
- 3) The final verifying element of a patient ID for an animal or individual is not a set standard. Each pharmacy or chain will adopt its own standard. The concern is that if a standard is too rigid, the enterprise's business activity will suffer. Any of the following may be used. If the primary choice is not available, another choice may be used.
 - A) Driver's license or equivalent, state issued ID;
 - B) Telephone number of the patient's residence (include area code);
 - C) An internal pharmacy ID system;
 - D) Employer ID;
 - E) Student ID;
 - F) Insurance ID; or

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G) Social Security number. There is a privacy issue with this ID, and it is not recommended for use.

4) If a child's or other person's prescription is delivered to or accepted by a person other than the intended user, an ID should verify the name of the individual accepting the prescription.

(Source: Amended at 33 Ill. Reg. 17333, effective December 9, 2009)

Section 2080.90 Dispensing a Schedule II, III, IV or V Drug

A prescriber who administers a Schedule II, III, IV or V drug in the course of the prescriber's professional practice subject to the Act may do so without issuing a written prescription for that drug.

(Source: Amended at 33 Ill. Reg. 17333, effective December 9, 2009)

Section 2080.100 Dispenser Responsibility

Each time a Schedule II, III, IV or V drug is dispensed, the dispenser must transmit, not more than 745 days after dispensing, to the central repository the following information:

- a) Dispenser DEA number.
- b) Recipient's (or animal and owner's) name and address.
- c) National drug code (NDC) identification number of the Schedule II, III, IV or V drug dispensed.
- d) Quantity of the Schedule II, III, IV or V drug dispensed.
- e) Date prescription filled.
- f) Date prescription written.
- g) Prescriber DEA number.
- h) Patient ID.

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- i) Patient sex (1 for male, 2 for female or 3 for animal).
- j) Patient birth date (yyyymmdd – year, month, day).

(Source: Amended at 33 Ill. Reg. 17333, effective December 9, 2009)

Section 2080.200 Prescriber and Dispenser Inquiry System

The Department's Bureau of Pharmacy and Clinical Support Systems or successor shall establish, operate, maintain and enhance a stand-alone, one-to-one secure link with the necessary encrypted software that shall function as a prescriber and dispenser inquiry system to be known as the Illinois Prescription Information Library (PIL). The Bureau must install a system to track each use of the PIL. The tracking system will only be utilized for the following purposes:

- a) Determining if a prescriber or dispenser is properly using the PIL. If it is considered by the PIL staff that any registered user is not using the PIL responsibly, an investigator from the Illinois Department of Financial and Professional Regulation's Bureau of Drug Compliance will be contacted in order to investigate the issue. If the PIL supervisor considers the issue serious and of immediate concern, the registered user's PIL access may be suspended.
- b) Determining if a non-registered person or entity is attempting to access the system. The PIL staff shall report the situation to the Department and to one or more of the following entities:
 - 1) Illinois law enforcement agency;
 - 2) Illinois regulatory entity;
 - 3) federal agency; or
 - 4) an agency in another state.

(Source: Added at 33 Ill. Reg. 17333, effective December 9, 2009)

Section 2080.210 Access to the Prescription Information Library (PIL)

- a) Only a medical prescriber or dispenser may utilize the PIL.

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- b) A user may only access the PIL for a patient's medical treatment.
- c) Development, modification and maintenance of the PIL is allowed by Department staff.
- d) In order to expedite the approval and oversight of PIL applicants and users, the PIL must be managed by a licensed dispenser.
- e) PIL staff determine if a PIL user applicant may become a PIL user by using the following criteria:
 - 1) Applicant's first and last name;
 - 2) Pharmacy, clinic or office street address, city, state and zip code;
 - 3) U.S. Department of Justice, Drug Enforcement Administration (DEA) number;
 - 4) For a pharmacist's application, the pharmacy DEA number;
 - 5) Illinois prescriber or dispenser license number; and
 - 6) Business telephone number.
- f) The PIL manager will review user applications that are unusual and render a professional decision as to whether access shall be granted.
- g) The PIL manager will review the user access log for any unusual or improper activity by a user.
- h) The PIL manager will directly monitor the development, modification and/or expansion of the PIL.

(Source: Added at 33 Ill. Reg. 17333, effective December 9, 2009)

Section 2080.211 Other State Prescription Monitoring Authority Access

- a) Other states may request access to the PMP database:

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- 1) After approval of a Memorandum of Understanding from the Illinois Department of Human Services; and
- 2) After approval from the Department's Bureau of Pharmacy and Clinical Support Systems' manager; the request must be:
 - A) related to a "probable cause" investigation; or
 - B) for a health care inquiry system for prescribers and dispensers.
- b) Each state requesting access must comply with Illinois law and allow reciprocity.

(Source: Added at 33 Ill. Reg. 17333, effective December 9, 2009)

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- 1) Heading of the Part: General Administrative Provisions
- 2) Code Citation: 89 Ill. Adm. Code 10
- 3) Section Number: 10.250 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13]
- 5) Effective Date of Amendment: December 14, 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 the Illinois Register: March 27, 2009; 33 Ill. Reg. 4500
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No substantive changes were made to the text of the proposed rulemaking.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: This rulemaking is the result of a Food and Nutrition Service (FNS) state option that allows the expansion of simplified reporting to additional Food Stamp (Supplemental Nutrition Assistance Program) households.
- 16) Information and questions regarding this adopted amendment shall be directed to:

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

217/785-9772

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

DEPARTMENT OF HUMAN SERVICES

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 10
GENERAL ADMINISTRATIVE PROVISIONS

SUBPART A: APPLICABILITY AND DEFINITIONS

Section	
10.101	Incorporation by Reference
10.110	Applicability
10.120	Definitions
10.130	Assistance Programs
10.140	Assistance Program Restrictions

SUBPART B: RIGHTS AND RESPONSIBILITIES

Section	
10.210	Rights of Clients
10.220	Nondiscrimination
10.225	Grievance Rights of Clients
10.230	Confidentiality of Case Information
10.235	Case Records
10.250	Reporting Change of Circumstances
10.263	Reporting Child Abuse/Neglect
10.268	Reporting Elder Abuse/Neglect
10.270	Notice to Client
10.280	Right to Appeal
10.281	Continuation of Assistance Pending Appeal
10.282	Time Limit for Filing an Appeal
10.283	Examining Department Records
10.284	Child Care
10.290	Voluntary Repayment of Assistance
10.295	Correction of Underpayments
10.300	Recovery of Assistance
10.310	Estate Claims
10.320	Real Property Liens
10.330	Filing and Renewal of Liens
10.340	Foreclosure of Liens

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10.350	Release of Liens
10.360	Personal Injury Claims
10.370	Convictions of Fraud – Eligibility
10.380	Single Conviction of Fraud – Administrative Review Board

SUBPART C: APPLICATION PROCESS

Section	
10.410	Application for Assistance
10.415	Local Office Action on Application for Public Assistance
10.420	Time Limitations on the Disposition of an Application
10.430	Approval of an Application and Initial Authorization of Financial Assistance
10.438	General Assistance Approval Provisions
10.440	Denial of an Application

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9515, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 15515, effective November 26, 1997; amended at 22 Ill. Reg. 19816, effective November 1, 1998; amended at 23 Ill. Reg. 6944, effective June 1, 1999; amended at 24 Ill. Reg. 7856, effective May 16, 2000; amended at 24 Ill. Reg. 18153, effective November 30, 2000; amended at 25 Ill. Reg. 7170, effective May 24, 2001; amended at 28 Ill. Reg. 1083, effective December 31, 2003; amended at 28 Ill. Reg. 5650, effective March 22, 2004; amended at 29 Ill. Reg. 8148, effective May 18, 2005; amended at 31 Ill. Reg. 6962, effective April 30, 2007; amended at 31 Ill. Reg. 7638, effective May 15, 2007; amended at 32 Ill. Reg. 4375, effective March 12, 2008; amended at 33 Ill. Reg. 16814, effective November 30, 2009; amended at 33 Ill. Reg. 17345, effective December 14, 2009.

SUBPART B: RIGHTS AND RESPONSIBILITIES

Section 10.250 Reporting Change of Circumstances

- a) General
- It is the responsibility of the client to report any change in circumstances, including but not limited to household composition or receipt of income or assets that might affect the client's assistance. This information shall be reported to the local office within ten working days after the change or prior to the expenditure of funds received, whichever occurs first. For non-assistance food stamp only households, [FamilyCare food stamp households](#), food stamp households with

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earned income and TANF [Cash Only](#) cases with earned income, see 89 Ill. Adm. Code 121.125 and 89 Ill. Adm. Code 112.302.

- b) **AABD**
When an individual other than the recipient maintains the recipient's funds (income and/or assets), it is the responsibility of that individual to report any changes in circumstances to the local office. Any changes that may affect the recipient's continued eligibility for financial assistance, including receipt of lump-sum payments, shall be reported to the local office within ten working days after the change.

(Source: Amended at 33 Ill. Reg. 17345, effective December 14, 2009)

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- 1) Heading of the Part: Supplemental Nutrition Assistance Program
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
121.10	Amendment
121.63	Amendment
121.120	Amendment
121.125	Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 5) Effective Date of Amendments: December 14, 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 the Illinois Register: March 27, 2009; 33 Ill. Reg. 4537
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No substantive changes were made to the text of the proposed rulemaking.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
121.63	Amendment	33 Ill. Reg. 4811; April 3, 2009

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121.57	Amendment	33 Ill. Reg. 5248; April 10, 2009
121.58	Amendment	33 Ill. Reg. 5248; April 10, 2009
121.3	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.7	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.8	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.41	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.55	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.57	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.60	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.61	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.73	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.74	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.76	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.130	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.140	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.26	Amendment	33 Ill. Reg. 6009; April 24, 2009
121.8	Amendment	33 Ill. Reg. 11198; July 31, 2009
121.30	Amendment	33 Ill. Reg. 11772; August 14, 2009
121.52	Amendment	33 Ill. Reg. 11772; August 14, 2009
121.55	Amendment	33 Ill. Reg. 11772; August 14, 2009
121.140	Amendment	33 Ill. Reg. 11772; August 14, 2009
121.60	Amendment	33 Ill. Reg. 14463; October 23, 2009
121.61	Amendment	33 Ill. Reg. 14463; October 23, 2009
121.63	Amendment	33 Ill. Reg. 14463; October 23, 2009

- 15) Summary and purpose of rulemaking: This rulemaking is the result of a Food and Nutrition Services (FNS) state option that allows the expansion of simplified reporting to additional Supplemental Nutrition Assistance Program (SNAP, formerly known as Food Stamps) households. This rulemaking also includes a correction of policy for allowance of the Air Conditioning/Heating Standard. As the result of this rulemaking, households with no direct bill for heat or air conditioning may qualify for the air conditioning/heating standard if they receive LIHEAP or expect to receive LIHEAP. This change is required to comply with federal regulations.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services

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100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762
217/785-9772

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

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

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

SUBPART A: APPLICATION PROCEDURES

Section

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

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

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

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

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

SUBPART D: ELIGIBILITY STANDARDS

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

SUBPART E: HOUSEHOLD CONCEPT

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

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

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Section

- 121.80 Fraud Disqualification (Renumbered)
- 121.81 Initiation of Administrative Fraud Hearing (Repealed)
- 121.82 Definition of Fraud (Renumbered)
- 121.83 Notification To Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
- 121.85 Court Imposed Disqualification (Renumbered)
- 121.90 Monthly Reporting and Retrospective Budgeting (Repealed)
- 121.91 Monthly Reporting (Repealed)
- 121.92 Budgeting
- 121.93 Issuance of Food Stamp Benefits
- 121.94 Replacement of the EBT Card or SNAP Benefits
- 121.95 Restoration of Lost Benefits
- 121.96 Uses for SNAP Benefits
- 121.97 Supplemental Payments
- 121.98 Client Training Brochure for the Electronic Benefits Transfer (EBT) System
- 121.105 State Food Program (Repealed)
- 121.107 New State Food Program
- 121.108 Transitional Food Stamp (TFS) Benefits
- 121.120 Redetermination of Eligibility
- 121.125 [Simplified Reporting Redeterminations](#)~~Redetermination of Earned Income Households~~
- 121.130 Residents of Shelters for Battered Women and their Children
- 121.131 Fleeing Felons and Probation/Parole Violators
- 121.135 Incorporation By Reference
- 121.136 Food and Nutrition Act of 2008
- 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
- 121.145 Quarterly Reporting (Repealed)

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

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

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SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

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

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section	
121.220	Work Requirement Components (Repealed)

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

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

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; preemptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; preemptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; preemptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at

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8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective

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August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days;

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amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum

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of 150 days; emergency expired July 23, 2009; peremptory amendment at 33 Ill. Reg. 5537, effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009.

SUBPART A: APPLICATION PROCEDURES

Section 121.10 Interviews

- a) All applicant households, including those submitting applications by mail, shall have face-to-face interviews in a ~~local food stamp~~ office with a qualified eligibility worker prior to initial certification and all redeterminations. For earned income, ~~and non-assistance SNAP food stamp~~ only households, ~~and FamilyCare SNAP households~~, an interview is required at every other redetermination (see Section 121.125). For persons completing a redetermination using the phone interview system, the automated phone interview substitutes for the face-to-face interview.
- b) Interview Process
 - 1) The individual interviewed may be the head of the household, spouse, any other adult member of the household who is sufficiently familiar with the household's circumstances to be able to assist in the determination of eligibility, or an authorized representative (see Section 121.1(e)(1) and (2)). The applicant may bring any person he/she chooses to the interview. Prior to beginning the interview, the applicant shall indicate which persons are not applying for ~~SNAP benefits food stamps~~ because they are unable or unwilling to provide alien status verification.
 - 2) The interviewer shall not simply review the information that appears on the application, but shall explore and resolve with the household unclear and incomplete information.
 - 3) Households shall be advised of their rights and responsibilities during the interview, including the appropriate applications processing standard (see Sections 121.2 and 121.7) and the household's responsibility to report changes.

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- 4) The interview shall be conducted as an official and confidential discussion of household circumstances. The applicant's right to privacy shall be protected during the interview. Facilities shall be adequate to preserve the privacy and confidentiality of the interview.

- c) Waiver of Office Interviews

- 1) The office interview shall be waived if requested by any household which is unable to appoint an authorized representative and which has no household members able to come to the ~~local food stamp~~ office because they are qualifying members as defined in Section 121.61.
- 2) The office interview shall also be waived on a case-by-case basis for any household which is unable to appoint an authorized representative and which has no household members able to come to the ~~local food stamp~~ office because of transportation difficulties or similar hardships which the Department determines warrants a waiver of the office interview. These hardship conditions include, but are not limited to:
 - A) illness;
 - B) care of household member;
 - C) hardships due to residency in a rural area;
 - D) prolonged severe weather;
 - E) work or training hours which prevent the household from participating in an in-office interview.
- 3) The Department shall determine if the transportation difficulty or hardship reported by a household warrants a waiver of the office interview and shall document in the case file why a request for a waiver was granted or denied.
- 4) The Department has the option of conducting a telephone interview or a home visit for those households for whom the office interview is waived. Home visits shall be used only if the time of the visit is scheduled in

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advance with the household. However, a home visit interview for redetermination of eligibility for financial assistance/recertification does not have to be scheduled with the household in advance.

- 5) Waiver of the face-to-face interview does not exempt the household from the verification requirements, although special procedures may be used to permit the household to provide verification and thus obtain its benefits in a timely manner, such as substituting a collateral contact in cases where documentary verification would normally be provided.
 - 6) Waiver of the face-to-face interview shall not affect the length of the household's certification period.
- d) The Department shall schedule all interviews as promptly as possible to ensure the eligible households receive an opportunity to participate within 30 days after the application is filed. If a household fails to appear for the scheduled interview, the Department will issue a Notice of Missed Interview that will inform the household that the household missed its scheduled interview and that the household is responsible for requesting another interview.

(Source: Amended at 33 Ill. Reg. 17350, effective December 14, 2009)

SUBPART D: ELIGIBILITY STANDARDS

Section 121.63 Deductions from Monthly Income

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly ~~SNAP food stamp~~ income.
- b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
- c) Standard Deduction. The standard deduction for a household size of one through three persons is \$144. The standard deduction for a household size of four persons is \$147. The standard deduction for a household size of five persons is \$172. For households of six or more persons, the standard deduction is \$197.
- d) Dependent Care Deduction

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- 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria or to attend training or pursue education which is preparatory for employment (see 89 Ill. Adm. Code 112.70 through 112.83).
 - 2) The amount of the deduction is to be determined by the actual costs for care per month for each dependent household member.
- e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.
- f) Shelter Costs Deduction
- 1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) of this Section have been made. The shelter deduction shall not exceed \$446.
 - 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 and Section 121.61, there is no limit on the amount of the excess shelter deduction.
 - 3) Shelter costs include only the following:
 - A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
 - B) property taxes, State and local assessments and insurance on the structure itself; and
 - C) utility costs, as described in subsection (g) of this Section.
 - 4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment

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caused by a natural disaster or casualty loss, if:

- A) the household intends to return to the home;
 - B) the current occupants of the home, if any, are not claiming the shelter costs for ~~SNAP~~~~food stamp~~ purposes; and
 - C) the home is not leased or rented during the absence of the household.
- 5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.
- g) Utility Costs
- 1) Utility costs include:
 - A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection;
 - B) basic service fee for one telephone (including tax on the basic fee) of \$28; and
 - C) fees charged by the utility provider for initial installation.
 - 2) Utility deposits are not considered to be utility costs.
 - 3) A standard must be used if the household is billed for utilities. See Section 121.63(g)(7) for households that claim utility expenses for an unoccupied home. Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of \$299. Those households that are not billed for air conditioning or heating but are billed for at least two other utilities must use the limited utility standard allowance of \$177. Those households that are not billed for air conditioning or heating but are billed for a single utility, other than telephone, must use the single utility standard allowance of \$37. If only a

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separately-billed telephone expense is claimed, the basic telephone allowance of \$28 per month will be allowed. Households living in rental housing who are billed on a regular basis by a landlord for costs for utilities must use the appropriate standard.

- 4) A household that is billed less often than monthly for its costs for utilities must continue to use the appropriate standard between billing months.
- 5) Households in public housing or privately-owned rental units that receive a bill for over-usage are entitled to use the air conditioning/heating standard allowance. When households (as defined at 7 CFR 273.1(a)) live together, the air conditioning/heating standard allowance, the limited utility standard allowance, or the single utility standard allowance, whichever is appropriate, shall be allowed for each household that contributes toward the utility costs whether or not each household participates in the program.
- 6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Low Income Home Energy Program (89 Ill. Adm. Code 109) shall be entitled to the air conditioning/heating standard allowance (7 CFR 273.9 and 273.10(d)(6)). Households who receive, ~~apply for,~~ or reasonably expect to receive, anticipate applying for a Low Income Energy Assistance Program (LIHEAP) (89 Ill. Adm. Code 109) payment during the 12-month period, beginning with the date of the ~~SNAP food-stamp~~ application, shall be allowed the air conditioning/heating standard (7 CFR 273.9). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.
- 7) A household that has both an occupied home and an unoccupied home is entitled to only one standard. The appropriate utility standard may be used for the home the household chooses.
- h) **Excess Medical Deduction.** A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 and Section 121.61. The medical expenses incurred by the qualifying household member which are over \$35 will be deducted, if the expenses will not be reimbursed by insurance or a third party.

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(Source: Amended at 33 Ill. Reg. 17350, effective December 14, 2009)

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section 121.120 Redetermination of Eligibility

- a) Redetermination involves the completion of an application, an interview, a review of eligibility and cooperation in the verification of eligibility. For [simplified reporting that covers most SNAP](#), earned income, ~~and~~ non-assistance ~~SNAP food stamp~~-only households, [and FamilyCare SNAP households](#), see Section 121.125. The local office shall provide the household with an opportunity to participate in its normal issuance cycle.
- b) In order to receive uninterrupted benefits, the household must:
 - 1) file a timely application;
 - A) households certified for more than two months must file an application by the 15th calendar day of the last month of the certification period.
 - B) households certified for one or two months must file an application within 17 calendar days from the date of Notice of Eligibility/Expiration of Certification.
 - 2) appear for the interview that is scheduled after the application is timely filed; and
 - 3) provide all requested verifications within ten calendar days after the date the verification was requested.
- c) The household is responsible for requesting another interview if it fails to appear for the interview that was scheduled after the application was filed.
- d) The redetermination application of a ~~SNAP food stamp~~ unit who fails to appear for a scheduled interview or provide requested verifications within ten calendar days is denied.

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- 1) If a ~~SNAP food stamp~~ unit cooperates before the end of the current approval period, the application is reopened and a full month's benefit is given for the first month of the new period.
 - 2) If the ~~SNAP food stamp~~ unit cooperates after the end of the current approval period but within 30 days after the end of the period, the application is reopened and benefits are prorated from the date of cooperation.
- e) Amount of ~~SNAP food stamp~~ benefits
- 1) Except as provided in subsection (d)(2) of this Section, households that file the application after the last day of the previous certification period, shall have benefits prorated from the date that the application was filed. Households that are certified for one or two months will not have benefits prorated if the application is filed within 17 calendar days of the date of Notice of Eligibility/Expiration of Certification.
 - 2) Migrant and seasonal farmworker households shall receive a full allotment for the month of application if the household participated in ~~SNAP the Food Stamp Program~~ within 30 days prior to the date of application.
- f) If a redetermination application is pending and uninterrupted benefits cannot be provided due to the ten day verification standard, then the local office must provide benefits within five working days after the date the household provides the verification.

(Source: Amended at 33 Ill. Reg. 17350, effective December 14, 2009)

Section 121.125 Simplified Reporting Redeterminations~~Redetermination of Earned Income Households~~

- a) Non-assistance ~~SNAP food stamp~~ only households, ~~and SNAP food stamp~~ households with a member who has earned income, ~~and all FamilyCare SNAP households~~ (see Section 121.40(b)), except for those households defined in subsection (b) of this Section, are redetermined every six months. The six-month redeterminations alternate between a face-to-face interview and a mail-in redetermination form. If an incomplete mail-in redetermination form is received, the Department will send the client a notice advising of the incomplete form and

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that the client has 10 days to complete the form. If a household chooses to complete its redetermination using the automated phone interview system, a unique confirmation number will verify that the phone interview application was completed and received by the Department.

- b) The following households are not included:
- ~~1)~~ ~~migrant households in the migrant job stream;~~
 - ~~2)~~ ~~persons who receive income from sheltered workshops;~~
 - ~~13)~~ households with persons who receive Aid to the Aged, Blind or Disabled (see 89 Ill. Adm. Code 113), unless another household member has earned income;
 - ~~24)~~ households approved for one or two months due to a likelihood of frequent or major changes in unearned income or circumstances;
 - ~~35)~~ households entitled to expedited service with postponed verifications (see Section 121.7);
 - ~~46)~~ households receiving Express Stamps (see Section 121.8); and
 - ~~57)~~ households with a member subject to the ~~SNAP food stamp~~ work requirement (this only applies in areas where the person has to meet work requirement; see Section 121.18).
- c) Benefits are calculated prospectively for six months. Income averaging is used to determine the amount of income to budget for the next six months, based on the ~~information provided on the redetermination form~~ income received during the month before the last month of the approval period.
- d) During the six months between redeterminations, the household is only required to report when gross income exceeds the household's gross income limit (130% of the Federal Poverty Level).
- e) For any reported change that results in an increase in benefits, benefits are increased for the fiscal month following the fiscal month of report. If benefits decrease as a result of the reported change, benefits are decreased for the first

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month that can be affected following the end of the 10-day timely notice period.

- f) For other redetermination rules, see Section 121.120.

(Source: Amended at 33 Ill. Reg. 17350, effective December 14, 2009)

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- 1) Heading of the Part: Airport Hazard Zoning
- 2) Code Citation: 92 Ill. Adm. Code 16
- 3) Section Number: 16.APPENDIX A Adopted Action:
Amend
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Amendment: December 8, 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 Division of Aeronautics and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 28, 2009; 33 Ill. Reg. 12100
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: By this Notice, the Department has amended Section 16.Appendix A to add numerous publicly-owned airports to the Part. This Part prescribes requirements for administration and enforcement that restrict the height of structures, equipment, and vegetation and that regulate the use of property on or in the vicinity of publicly-owned airports. The following airports are now covered under this Part: Chicago/Rockford International Airport (RFD), Greenville Airport (GRE),

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Metropolis Municipal Airport (M30), Pittsfield Penstone Municipal Airport (PPQ), Sparta Community Airport (SAR), Vermilion Regional Airport (DNV), and Bolingbrook Clow International Airport (1C5).

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

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
#1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICSPART 16
AIRPORT HAZARD ZONING

Section

16.10	Purpose and Scope
16.20	Applicability
16.30	Definitions
16.35	Public Hearings
16.40	Surfaces and Height Limitations
16.50	Horizontal Surface
16.60	Conical Surface
16.70	Primary Surface
16.80	Approach Surface
16.90	Transitional Surfaces
16.100	Circling Approach Surface
16.110	Instrument Approach Obstruction Clearance Surface
16.120	Heliport/Vertiport Surfaces
16.130	Use Restrictions
16.140	Pre-Existing, Non-Conforming Uses (Grandfather Clause)
16.150	Pre-Existing, Non-Conforming Structures, Uses, or Vegetation Abandoned or Destroyed
16.160	Notice of Construction or Alteration of Any Structure
16.170	Permits
16.180	Variances
16.190	Administrative and Judicial Review
16.200	Penalties
16.210	Conflicting Regulations
16.220	Severability
16.APPENDIX A	Applicable Airports
16.ILLUSTRATION A	Airports Imaginary Surfaces
16.ILLUSTRATION B	Airports (Public- or Private-Use) Minimum Dimensional Standards
16.ILLUSTRATION C	Obstruction Standards (\leq 6 Nautical Miles)
16.ILLUSTRATION D	Obstruction Standards ($>$ 6 Nautical Miles)
16.ILLUSTRATION E	Public- or Private-Use Heliport/Vertiport Minimum Dimensional Standards

AUTHORITY: Implementing and authorized by the Airport Zoning Act [620 ILCS 25].

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SOURCE: Adopted at 28 Ill. Reg. 2421, effective January 26, 2004; amended at 29 Ill. Reg. 12529, effective July 27, 2005; amended at 30 Ill. Reg. 14117, effective August 10, 2006; amended at 31 Ill. Reg. 3191, effective February 9, 2007; amended at 32 Ill. Reg. 7806, effective May 1, 2008; amended at 33 Ill. Reg. 5474, effective March 30, 2009; amended at 33 Ill. Reg. 17371, effective December 8, 2009.

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Section 16.APPENDIX A Applicable Airports

Airport	City	County	ARP Latitude	ARP Longitude	Fed Std.	State Std.	Applicable Date
SPI	Springfield	Sangamon	39-50.64	89-40.66	X		Jan. 26, 2004
MLI	Moline	Rock Island	41-26.91	90-30.45	X		July 29, 2005
SQI	Sterling-Rock Falls	Whiteside	41-44.57	89-40.58	X		July 29, 2005
SLO	Salem	Marion	38-38.57	88-57.85	X		July 29, 2005
H96	Benton	Franklin	38-00.41	88-56.07	X		Sept. 15, 2006
CIR	Cairo	Alexander	37-03.87	89-13.18	X		Sept. 15, 2006
CTK	Canton	Fulton	40-34.15	90-04.49	X		Sept. 15, 2006
DEC	Decatur	Macon	39-50.08	88-51.94	X		Sept. 15, 2006
DKB	DeKalb	DeKalb	41-56.02	88-42.34	X		Sept. 15, 2006
GBG	Galesburg	Knox	40-56.28	90-25.87	X		Sept. 15, 2006
HSB	Harrisburg	Saline	37-48.69	88-32.95	X		Sept. 15, 2006
IJX	Jacksonville	Morgan	39-46.48	90-14.30	X		Sept. 15, 2006
JOT	Joliet	Will	41-31.08	88-10.52	X		Sept. 15, 2006
EZI	Kewanee	Henry	41-12.31	89-57.83	X		Sept. 15, 2006
IGQ	Lansing	Cook	41-32.09	87-31.77	X		Sept. 15, 2006
MWA	Marion	Williamson	37-45.30	89-00.67	X		Sept. 15, 2006
MTO	Mattoon	Coles	39-28.68	88-16.75	X		Sept. 15, 2006
PRG	Paris	Edgar	39-42.01	87-40.17	X		Sept. 15, 2006
3MY	Peoria	Peoria	40-47.72	89-36.80	X		Sept. 15, 2006
PIA	Peoria	Peoria	40-39.86	89-41.60	X		Sept. 15, 2006
VYS	Peru	LaSalle	41-21.11	89-09.19	X		Sept. 15, 2006
LOT	Romeoville	Will	41-36.44	88-05.77	X		Sept. 15, 2006
DPA	West Chicago	DuPage	41-54.47	88-14.92	X		Sept. 15, 2006
K06	Beardstown	Cass	39-58.40	90-24.22	X		Feb. 28, 2007
OLY	Olney	Richland	38-43.31	88-10.59	X		Feb. 28, 2007
LWV	Lawrenceville	Lawrence	38-45.86	87-36.33	X		Feb. 28, 2007
CUL	Carmi	White	38-05.38	88-07.38	X		Feb. 28, 2007
C73	Dixon	Lee	41-50.02	89-26.77	X		Feb. 28, 2007
ORD	Chicago	Cook	41-58.72	87-54.29	X		Feb. 28, 2007

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TAZ	Taylorville	Christian	39-31.95	89-19.84	X	May 1, 2008
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Airport	City	County	ARP Latitude	ARP Longitude	Fed Std.	State Std.	Applicable Date
BLV	Belleville/Mascoutah	St. Clair	38-32.71	89-50.11	X		May 1, 2008
AAA	Lincoln	Logan	40-09.52	89-20.10	X		May 1, 2008
VLA	Vandalia	Fayette	38-59.49	89-09.97	X		May 1, 2008
UGN	Waukegan	Lake	42-25.33	87-52.07	X		May 1, 2008
MDH	Carbondale	Jackson	37-46.69	89-15.12	X		May 1, 2008
CPS	Cahokia/Sauget	St. Clair	38-34.24	90-09.37	X		May 1, 2008
MQB	Macomb	McDonough	40-31.21	90-39.14	X		May 1, 2008
PWK	Wheeling/Prospect Heights	Cook	42-06.85	87-54.09	X		May 1, 2008
9I0	Havana	Mason	40-13.32	90-01.37	X		May 1, 2008
C09	Morris	Grundy	41-25.53	88-25.12	X		May 1, 2008
1H2	Effingham	Effingham	39-04.23	88-32.01	X		May 1, 2008
CMI	Champaign/Savoy	Champaign	40-02.36	88-16.68	X		May 1, 2008
I63	Mt. Sterling	Brown	39-59.25	90-48.25	X		May 1, 2008
RSV	Robinson	Crawford	39-00.96	87-38.99	X		May 1, 2008
ALN	East Alton/Bethalto	Madison	38-53.42	90-02.76	X		May 1, 2009
PNT	Pontiac	Livingston	40-55.47	88-37.44	X		May 1, 2009
AJG	Mt. Carmel/St. Francisville	Lawrence	38-36.39	87-43.60	X		May 1, 2009
RPJ	Rochelle	Ogle	41-53.58	89-04.70	X		May 1, 2009
1H8	Casey	Clark	39-18.15	88-00.24	X		May 1, 2009
MVN	Mt. Vernon	Jefferson	38-19.40	88-51.51	X		May 1, 2009
ARR	Aurora/Sugar Grove	Kane	41-46.32	88-28.54	X		May 1, 2009
2H0	Shelbyville	Shelby	39-24.63	88-50.73	X		May 1, 2009
IKK	Kankakee	Kankakee	41-04.28	87-50.78	X		May 1, 2009
FOA	Flora	Clay	38-39.90	88-27.18	X		May 1, 2009
UIN	Quincy	Adams	39-56.58	91-11.67	X		May 1, 2009
GRE	Greenville	Bond	38-50.17	89-22.70	X		Jan. 1, 2010
M30	Metropolis	Massac	37-11.15	88-45.04	X		Jan. 1, 2010
DNV	Danville	Vermilion	40-11.98	87-35.73	X		Jan. 1, 2010
RFD	Rockford	Winnebago	42-11.72	89-05.83	X		Jan. 1, 2010
1C5	Bolingbrook	Will	41-41.76	88-07.75	X		Jan. 1, 2010

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<u>Airport</u>	<u>City</u>	<u>County</u>	<u>ARP Latitude</u>	<u>ARP Longitude</u>	<u>Fed Std.</u>	<u>State Std.</u>	<u>Applicable Date</u>
PPQ	Pittsfield	Pike	39-38.33	90-46.71	X		Jan. 1, 2010
SAR	Sparta	Randolph	38-08.94	89-41.92	X		Jan. 1, 2010

(Source: Amended at 33 Ill. Reg. 17371, effective December 8, 2009)

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Greater Rockford Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 47
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
47.10	Repeal
47.20	Repeal
47.30	Repeal
47.40	Repeal
47.50	Repeal
47.60	Repeal
47.70	Repeal
47.80	Repeal
47.90	Repeal
47.100	Repeal
47.110	Repeal
47.120	Repeal
47.130	Repeal
47.140	Repeal
47.EXHIBIT A	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: December 8, 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 repealer, including any material incorporated by reference, is on file in the agency's Division of Aeronautics and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 28, 2009; 33 Ill. Reg. 12108
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between proposal and final version: None

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: By this Notice, the Department has repealed this Part in its entirety and elsewhere in this issue of the *Illinois Register* has included the Greater Rockford Airport under 92 Ill. Adm. Code 16, the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation, and regulates the use of property, on or in the vicinity of publicly-owned airports. It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department has repealed this Part and added the airport to Part 16, which was also amended.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Greenville Airport Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 48
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
48.5	Repeal
48.10	Repeal
48.20	Repeal
48.30	Repeal
48.40	Repeal
48.50	Repeal
48.60	Repeal
48.70	Repeal
48.80	Repeal
48.90	Repeal
48.100	Repeal
48.110	Repeal
48.120	Repeal
48.130	Repeal
48.140	Repeal
48.150	Repeal
48.160	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: December 8, 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 repealer, including any material incorporated by reference, is on file in the agency's Division of Aeronautics and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 28, 2009; 33 Ill. Reg. 12131
- 10) Has JCAR issued a Statement of Objection to this repealer? No

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NOTICE OF ADOPTED REPEALER

- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: By this Notice, the Department has repealed this Part in its entirety and elsewhere in this issue of the *Illinois Register* has included the Greenville Airport under 92 Ill. Adm. Code 16, the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation, and regulates the use of property, on or in the vicinity of publicly-owned airports. It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department has repealed this Part and added the airport to Part 16, which was also amended.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Metropolis Municipal Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 66
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
66.5	Repeal
66.10	Repeal
66.20	Repeal
66.30	Repeal
66.40	Repeal
66.50	Repeal
66.60	Repeal
66.70	Repeal
66.80	Repeal
66.90	Repeal
66.100	Repeal
66.110	Repeal
66.120	Repeal
66.130	Repeal
66.140	Repeal
66.150	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: December 8, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's Division of Aeronautics and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 28, 2009; 33 Ill. Reg. 12145
- 10) Has JCAR issued a Statement of Objection to this repealer? No

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: By this Notice, the Department has repealed this Part in its entirety and elsewhere in this issue of the *Illinois Register* has included the Metropolis Municipal Airport under 92 Ill. Adm. Code 16, the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation, and regulates the use of property, on or in the vicinity of publicly-owned airports. It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department has repealed this Part and added the airport to Part 16, which was also amended.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Pittsfield-Penstone Municipal Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 74
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
74.5	Repeal
74.10	Repeal
74.20	Repeal
74.30	Repeal
74.40	Repeal
74.50	Repeal
74.60	Repeal
74.70	Repeal
74.80	Repeal
74.90	Repeal
74.100	Repeal
74.110	Repeal
74.120	Repeal
74.130	Repeal
74.140	Repeal
74.150	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: December 8, 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 repealer, including any material incorporated by reference, is on file in the agency's Division of Aeronautics and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 28, 2009; 33 Ill. Reg. 12164
- 10) Has JCAR issued a Statement of Objection to this repealer? No

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: By this Notice, the Department has repealed this Part in its entirety and elsewhere in this issue of the *Illinois Register* has included the Pittsfield-Penstone Airport under 92 Ill. Adm. Code 16, the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation, and regulates the use of property, on or in the vicinity of publicly-owned airports. It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department has repealed this Part and added the airport to Part 16, which was also amended.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Sparta Community Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 82
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
82.5	Repeal
82.10	Repeal
82.20	Repeal
82.30	Repeal
82.40	Repeal
82.50	Repeal
82.60	Repeal
82.70	Repeal
82.80	Repeal
82.90	Repeal
82.100	Repeal
82.110	Repeal
82.120	Repeal
82.130	Repeal
82.140	Repeal
82.150	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: December 8, 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 repealer, including any material incorporated by reference, is on file in the agency's Division of Aeronautics and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 28, 2009; 33 Ill. Reg. 12183
- 10) Has JCAR issued a Statement of Objection to this repealer? No

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: By this Notice, the Department has repealed this Part in its entirety and elsewhere in this issue of the Illinois Register has included the Sparta Community Airport under 92 Ill. Adm. Code 16, the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation, and regulates the use of property, on or in the vicinity of publicly-owned airports. It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department has repealed this Part and added the airport to Part 16, which was also amended.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Vermilion County Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 90
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
90.10	Repeal
90.20	Repeal
92.30	Repeal
92.40	Repeal
90.50	Repeal
90.60	Repeal
90.70	Repeal
90.80	Repeal
90.90	Repeal
90.100	Repeal
90.110	Repeal
90.120	Repeal
90.130	Repeal
90.140	Repeal
90.150	Repeal
90.160	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: December 8, 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 repealer, including any material incorporated by reference, is on file in the agency's Division of Aeronautics and Office of Chief Counsel and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 28, 2009; 33 Ill. Reg. 12202
- 10) Has JCAR issued a Statement of Objection to this repealer? No

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: By this Notice, the Department has repealed this Part in its entirety and elsewhere in this issue of the Illinois Register has included the Vermilion County Airport under 92 Ill. Adm. Code 16, the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation, and regulates the use of property, on or in the vicinity of publicly-owned airports. It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department has repealed this Part and added the airport to Part 16, which was also amended.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

BOARD OF HIGHER EDUCATION

JANUARY 2010 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): A Master Plan for Postsecondary Education in Illinois (23 Ill. Adm. Code 1070)
- 1) Rulemaking:
- A) Description: The rule currently on file does not reflect the Board's new master plan, the *Illinois Public Agenda for College and Career Success*. Proposed amendments may repeal the obsolete rule.
- B) Statutory Authority: Implementing Section 6 and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/6 and 9.05].
- C) Scheduled meeting/hearing date: None
- D) Date agency anticipates First Notice: Undetermined.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
431 East Adams Street, Second Floor
Springfield, IL 62701-1404
217/557-7358
217/782-8548 fax
helland@ibhe.org
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Public Information, Rulemaking, and Organization (2 Ill. Adm. Code 5050).
- 1) Rulemaking:
- A) Description: The Board is reviewing this Part to reconsider the number and composition of the standing advisory committees. Also, the student

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membership was amended in PA 93-429 and the Joint Education Committee was abolished in PA 94-905.

- B) Statutory Authority: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.05].
- C) Scheduled meeting/hearing date: None
- D) Date agency anticipates First Notice: Undetermined.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
431 East Adams Street, Second Floor
Springfield, IL 62701-1404
217/557-7358
217/782-8548 fax
helland@ibhe.org
- G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Diversifying Higher Education Faculty in Illinois Program (23 Ill. Adm. Code 1080).

- 1) Rulemaking:
 - A) Description: The Program Board is conducting a review of the program rules and will be providing proposed amendments to the Board of Higher Education.
 - B) Statutory Authority: Implementing and authorized by the Diversifying Higher Education Faculty in Illinois Act [110 ILCS 930].
 - C) Scheduled meeting/hearing date: None

BOARD OF HIGHER EDUCATION

JANUARY 2010 REGULATORY AGENDA

- D) Date agency anticipates First Notice: Undetermined.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
431 East Adams Street, Second Floor
Springfield, IL 62701-1404
217/557-7358
217/782-8548 fax
helland@ibhe.org
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2010 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Acquisition, Management and Disposal of Real Property (44 Ill. Adm. Code 5000)

1) Rulemaking:

- A) Description: The Department anticipates making changes to many sections of the current rules to comport with current policies in effect relating to real property leasing and related departmental operations subsequent to Executive Order 10-2003 to Consolidate Facilities Management and legislation enacted thereafter also affecting such operations. In addition there will be a number of changes intended to define terms and set standards for implementation governing the application of departmental policy.
- B) Statutory Authority: Implementing Section 7.1 of the State Property Control Act [30 ILCS 605/7.1], implementing and authorized by Sections 5-675, 405-215, 405-300, 405-305, 405-310 and 405-315 of the Civil Administrative Code of Illinois [20 ILCS 5/5-675 and 20 ILCS 405/405-215, 405-300, 405-305, 405-310, 405-315] and authorized by Section 6 of the State Property Control Act [30 ILCS 605/6] and the Illinois Procurement Code [30 ILCS 500].
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not Yet Scheduled
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Gina Wilson
CMS Rules Coordinator
720 Stratton Office Building
Springfield, Illinois 62706
217/785-1793

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- G) Related rulemakings and other pertinent information: Proposed Amendments to 44 Ill. Adm. Code 5000 published at 33 Illinois Register 14650 on 10/30/09, Issue 44.
- b) Part(s) (Heading and Code Citation): Merit and Fitness (80 Ill. Adm. Code 302)
- 1) Rulemaking:
- A) Description: The Department anticipates rulemaking to amend Section 302.90 to more fully describe the procedures and requirements of the Alternative Employment Program, to address the process for filling of multiple vacancies by simultaneous resort to more than a single method described in Rule 302.90; to also amend Sections 302.90 and 302.820 to address the process for appointing employees to term appointments, to address inconsistencies between these two sections and to address the differences between the term appointments historically addressed by these sections and the five-year terms established by P.A. 96-0795; to amend Section 302.150 to provide for temporary appointment of retired state employees to work no more than 75 days within a twelve-month period; to amend Section 302.150(d) to provide for Provisional Appointment Pending Partial Exemption under the Personnel Code Section 4d; adding a new section under Subpart E providing the process pursuant to which an agency can send an employee for evaluation of the employee's fitness for duty; and adding new sections under Subpart L addressing the requirements contained in P.A. 96-0795 that certain internal auditors and procurement officers be appointed to five-year term appointments. Additionally, the Department anticipates amending or adding rulemaking relating to various functions and policies of the Shared Service Centers, more specifically in regards to the logistics and processing of personnel transactions.
- B) Statutory Authority: 20 ILCS 415/8, 8b.10, 8b.18, 8b.19, 8c.6, 8e and P.A. 96-0795
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not Yet Scheduled

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Gina Wilson
CMS Rules Coordinator
720 Stratton Office Building
Springfield, Illinois 62706
217/785-1793
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Conditions of Employment (80 Ill. Adm. Code 303)
- 1) Rulemaking:
- A) Description: The Department anticipates rulemaking to amend the current rules relating to Vacation Time and Personal Time, including at least Sections 303.125 and 303.290, to prevent the misuse of such time by employees pending their retirement from State employment; to amend Section 303.145 to address the relationship between temporary disability leave and the Alternative Employment Program; and to amend or add rulemaking relating to various functions and policies of the Shared Service Centers, more specifically in regards to timekeeping, benefits, leaves and related matters.
- B) Statutory Authority: 20 ILCS 415/8, 8c, 8c.6, 8e and 9(14)
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not Yet Scheduled
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2010 REGULATORY AGENDA

Gina Wilson
CMS Rules Coordinator
720 Stratton Office Building
Springfield, Illinois 62706
217/785-1793

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): General Provisions (80 Ill. Adm. Code 304)

1) Rulemaking:

A) Description: The Department anticipates rulemaking to amend Section 304.40 to make explicit the historic interpretation that all Rutan-related documentation is confidential and falls under examination materials. Additionally amendments will be made or rulemaking added relating to various functions and policies of the Shared Service Centers, more specifically in regards to responsibility for certain personnel-related records.

B) Statutory Authority: 20 ILCE 415/8, 8b, 8e and 9(14)

C) Scheduled meeting/hearing dates: Not Applicable

D) Date agency anticipates First Notice: Not Yet Scheduled

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Gina Wilson
CMS Rules Coordinator
720 Stratton Office Building
Springfield, Illinois 62706
217/785-1793

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- e) Part(s) (Heading and Code Citation): Local Government Health Plan (80 Ill. Adm. Code 2160)
- 1) Rulemaking:
- A) Description: The Department anticipates changes to update the rules currently in place to enhance the standards under the Health Insurance Portability and Accountability Act (HIPAA); expand coverage under Public Act 95-0958 and Public Act 96-0756; further delineate the roles of the Department of Central Management Services and the Department of Healthcare and Family Services; and clarify enrollment and eligibility matters.
- B) Statutory Authority: Authorized by Sections 10, 13 and 15 of the State Employees Group Insurance Act of 1971 [5 ILCS 375/10, 13 and 15]
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not Yet Scheduled
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Gina Wilson
CMS Rules Coordinator
720 Stratton Office Building
Springfield, Illinois 62706
217/785-1793
- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): College Insurance Program (80 Ill. Adm. Code 2180)
- 1) Rulemaking:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- A) Description: The Department anticipates changes to update the rules currently in place to enhance the standards under the Health Insurance Portability and Accountability Act (HIPAA); expand coverage under Public Act 95-0958 and Public Act 96-0756; further delineate the roles of the Department of Central Management Services and the Department of Healthcare and Family Services; and clarify enrollment and eligibility matters.
- B) Statutory Authority: Authorized by the State Employees Group Insurance Act of 1971 [5 ILCS 375/3; 5 ILCS 375/6; 5 ILCS 6.10]
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not Yet Scheduled
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Gina Wilson
CMS Rules Coordinator
720 Stratton Office Building
Springfield, Illinois 62706
217/785-1793
- G) Related rulemakings and other pertinent information: None
- g) Part(s) (Heading and Code Citation): Solicitation for Charitable Payroll Deductions (80 Ill. Adm. Code 2650)
- 1) Rulemaking:
- A) Description: The SECA Advisory Board, with the support of the charity representatives, requested a change to this rulemaking to permit the Director of CMS to appoint State employee representatives to more than three years of membership. This change will be an asset in developing the knowledge of the Board members and provide for more continuity on program development as new Board members are appointed.

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- B) Statutory Authority: Authorized by Section 9 of the Illinois Personnel Code [20 ILCS 415/9] and Section 5 of the Voluntary Payroll Deductions Act of 1983 [5 ILCS 340/5]
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not Yet Scheduled
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Gina Wilson
CMS Rules Coordinator
720 Stratton Office Building
Springfield, Illinois 62706
217/785-1793
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF STATE POLICE

JANUARY 2010 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Expungement Procedures; 20 Ill. Adm. Code 1205
- 1) Rulemaking:
- A) Description: The rule will be amended to revise and update procedures for court ordered expungements/sealing of records received by the Illinois Department of State Police, Bureau of Identification.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 20 ILCS 2630/1
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities and/or not for profit corporations.
- F) Agency contact person for information:
- Mr. John Hosteny
Interim Chief Legal Counsel
Illinois State Police
801 South Seventh Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: 217/782-7658
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): Individual's Right to Access and Review Criminal History Record Information; 20 Ill. Adm. Code 1210
- 1) Rulemaking:
- A) Description: The rule will be amended in order to revise procedures for allowing certain individuals to view criminal history record information.

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- B) Statutory Authority: 20 ILCS 2630/7 and 20 ILCS 2605/2605-15
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The rule will have no effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:
Mr. John Hosteny
Interim Chief Legal Counsel
Illinois State Police
801 South Seventh Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: 217/782-7658
- G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citation): Intergovernmental Drug Enforcement Act; 20 Ill. Adm. Code 1220
- 1) Rulemaking:
- A) Description: The rule will be amended in order to revise and update the auditing procedures associated with the Department's Metropolitan Enforcement Groups.
- B) Statutory Authority: 20 ILCS 2605/2605-135
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

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- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The rule will have no effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:
- Mr. John Hosteny
Interim Chief Legal Counsel
Illinois State Police
801 South Seventh Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: 217/782-7658
- G) Related rulemakings and other pertinent information: None
- d) Part (Heading and Code Citation): Drug Asset Forfeiture Procedure Act; 20 Ill. Adm. Code 1225
- 1) Rulemaking:
- A) Description: The rule will be amended in order to revise and update the procedures associated with the seizure and forfeiture of property under the Drug Asset Forfeiture Procedures Act.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 725 ILCS 150
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The rule will have no effect on small businesses, small municipalities or not for profit corporations.

DEPARTMENT OF STATE POLICE

JANUARY 2010 REGULATORY AGENDA

F) Agency contact person for information:

Mr. John Hosteny
Interim Chief Legal Counsel
Illinois State Police
801 South Seventh Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: 217/782-7658

G) Related rulemakings and other pertinent information: Nonee) Part (Heading and Code Citation): Firearm Owner's Identification Card Act; 20 Ill. Adm. Code 12301) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures associated with applying for, or the review of applications, as well as granting, denying, and revoking the Firearm Owner's Identification Card and related activities.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 430 ILCS 65/11
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:

Mr. John Hosteny
Interim Chief Legal Counsel

DEPARTMENT OF STATE POLICE

JANUARY 2010 REGULATORY AGENDA

Illinois State Police
801 South Seventh Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: 217/782-7658

- G) Related rulemakings and other pertinent information: None
- f) Part (Heading and Code Citation): Firearm Transfer Inquiry Program; 20 Ill. Adm. Code 1235
- 1) Rulemaking:
- A) Description: The rule will be amended to revise and update procedures associated with the Firearm Transfer Inquiry Program and related activities.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 430 ILCS 65/3.1
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment may affect small businesses, small municipalities and/or not for profit corporations.
- F) Agency contact person for information:
- Mr. John Hosteny
Interim Chief Legal Counsel
Illinois State Police
801 South Seventh Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: 217/782-7658

DEPARTMENT OF STATE POLICE

JANUARY 2010 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Currency Reporting Act; 20 Ill. Adm. Code 1245

1) Rulemaking:

A) Description: The rule will be proposed in order to provide procedures for authorized representatives to be given access to information and documents relating to financial transactions received by the Director of the State Police from the Federal Government as a result of any memorandum of agreement or understanding between any Department of the United States and the State of Illinois.

B) Statutory Authority: 20 ILCS 2605/2605-15 and 205 ILCS 685/6

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no affect small businesses, small municipalities and/or not for profit corporations.

F) Agency contact person for information:

Mr. John Hosteny
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Telephone: 217/782-7658

G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citation): Sex Offender Registration Act; 20 Ill. Adm. Code 1280

DEPARTMENT OF STATE POLICE

JANUARY 2010 REGULATORY AGENDA

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Sex Offender Registration Act.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 150/4
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment may affect small businesses, small municipalities and/or not for profit corporations.
- F) Agency contact person for information:

Mr. John Hosteny
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801 South Seventh Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: 217/782-7658
- G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citation): Sex Offender and Child Murderer Community Notification Law; 20 Ill. Adm. Code 12821) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Sex Offender Community Notification Law.

DEPARTMENT OF STATE POLICE

JANUARY 2010 REGULATORY AGENDA

- B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 152
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment may affect small businesses, small municipalities and/or not for profit corporations.
- F) Agency contact person for information:

Mr. John Hosteny
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Post Office Box 19461
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Telephone: 217782-7658
- G) Related rulemakings and other pertinent information: None
- j) Part (Heading and Code Citation): Child Murderer and Violent Offender Against Youth Registration Act; 20 Ill. Adm. Code 1283
- 1) Rulemaking:
- A) Description: The rule will establish policies and procedures for the implementation of the Child Murderer and Violent Offender Against Youth Registration Act.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 154
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

DEPARTMENT OF STATE POLICE

JANUARY 2010 REGULATORY AGENDA

- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The rule may affect small businesses, small municipalities and/or not for profit corporations.
- F) Agency contact person for information:
- Mr. John Hosteny
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801 South Seventh Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: 217/782-7658
- G) Related rulemakings and other pertinent information: None
- k) Part (Heading and Code Citation): Sample Collection for Genetic Marker Indexing; 20 Ill. Adm. Code 1285
- 1) Rulemaking:
- A) Description: The rule will be amended to revise and update procedures and policies relating to Sample Collection for Genetic Marker Indexing.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 5/5-4-3
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

DEPARTMENT OF STATE POLICE

JANUARY 2010 REGULATORY AGENDA

F) Agency contact person for information:

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Interim Chief Legal Counsel
Illinois State Police
801 South Seventh Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: 217/782-7658

G) Related rulemakings and other pertinent information: Nonel) Part (Heading and Code Citation): Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds; 20 Ill. Adm. Code 12861) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures and policies relating to the testing of breath, blood and urine for alcohol, drugs, and intoxicating compounds.
- B) Statutory Authority: 20 ILCS 2605/2605-15, 625 ILCS 5/6-106.1A, 625 ILCS 5/11-501.2, 625 ILCS 5/11-501.5, 625 ILCS 5/11-501.6, 625 ILCS 5/11-501.8, 625 ILCS 40/5-7.5, 625 ILCS 45/5-16b, and 625 ILCS 45/6-1
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment may affect small businesses, small municipalities and/or not for profit corporations.
- F) Agency contact person for information:

Mr. John Hosteny
Interim Chief Legal Counsel

DEPARTMENT OF STATE POLICE

JANUARY 2010 REGULATORY AGENDA

Illinois State Police
801 South Seventh Street, Suite 1000-S
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Telephone: 217/782-7658

G) Related rulemakings and other pertinent information: None

m) Part (Heading and Code Citation): Bait Car Procedures; 20 Ill. Adm. Code 1297

1) Rulemaking:

- A) Description: The proposed amendments will implement SB 97 which provides for an exemption to Illinois eavesdropping statute for bait cars. The amendments will delineate regulations concerning the use of devices in the recording of transmissions from a microphone placed by a person under the authority of a law enforcement agency inside a bait car surveillance vehicle and to adopt measures regarding the retention of any such recorded evidence.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 720 ILCS 5/14-3(g)
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: Municipal police agencies may be affected.
- F) Agency contact person for information:

Mr. John Hosteny
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Springfield, Illinois 62794-9461

DEPARTMENT OF STATE POLICE

JANUARY 2010 REGULATORY AGENDA

Telephone: 217/782-7658

G) Related rulemakings and other pertinent information: None

n) Part (Heading and Code Citation): Imaging Products; Ill. Adm. Code 1298

1) Rulemaking:

A) Description: The rules will be amended in order to update the fees incurred to acquire, maintain, and reproduce the particular imaging products by the Illinois State Police.

B) Statutory Authority: 20 ILCS 2605/2605-15

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: Small municipalities may be affected.

F) Agency contact person for information:

Mr. John Hosteny
Interim Chief Legal Counsel
Illinois State Police
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Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: 217/782-7658

G) Related rulemakings and other pertinent information: None

o) Part (Heading and Code Citation): Arsonist Registration Act

1) Rulemaking:

DEPARTMENT OF STATE POLICE

JANUARY 2010 REGULATORY AGENDA

- A) Description: The rules will be established in order to establish procedures to extend for 10 years the registration period of any arsonist who fails to comply with the provisions of 730 ILCS 148 and to establish procedures regarding the administration of the Arsonist Registration Fund.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 148
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: Small municipalities may be affected.
- F) Agency contact person for information:

Mr. John Hosteny
Interim Chief Legal Counsel
Illinois State Police
801 South Seventh Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: 217/782-7658
- G) Related rulemakings and other pertinent information: None

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 December 8, 2009 through December 14, 2009 and have been scheduled for review by the Committee at its January 12, 2010 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>
1/21/09	<u>Department of Human Services</u> , Recovery of Misspent Funds (89 Ill. Adm. Code 527)	8/28/09 33 Ill. Reg. 12056	1/12/10
1/23/10	<u>Department of Public Health</u> , Heartsaver AED Grant Code (77 Ill. Adm. Code 530)	8/28/09 33 Ill. Reg. 12076	1/12/10

DEPARTMENT OF HUMAN SERVICES

NOTICE OF MODIFICATION IN RESPONSE TO AN OBJECTION BY THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Autism Research Fund Scientific Review Committee
- 2) Code Citation: 59 Ill. Adm. Code 270
- 3) Section Numbers: 270.10 Action: Modify the rulemaking
270.20
270.30
270.40
- 4) Date Notice of Proposed Rules Published in the Illinois Register: 5/29/09; 33 Ill. Reg. 7054
- 5) Date JCAR Statement of Objection Published in the Register: 10/2/09; 33 Ill. Reg. 13945
- 6) Summary of Action Taken by Agency: At its meeting on 9/15/09, the Joint Committee on Administrative Rules objected to and prohibited the filing of the above-proposed rulemaking for adoption because the rulemaking lacks grant application procedures, grant issuance guidelines and standards.

The Department of Human Services has reviewed the objection from the Joint Committee on Administrative Rules regarding the above-referenced rulemaking. The Department agrees to add language to the rule that incorporates grant application procedures, grant issuance guidelines and standards for DHS' determination not to act on the Scientific Review Committee's recommendation.

ILLINOIS ATTORNEY GENERAL

NOTICE OF PUBLIC INFORMATION

NOTICE OF LODGING OF PARTIAL CONSENT ORDER PURSUANT TO THE
ILLINOIS ENVIRONMENTAL PROTECTION ACT

Notice is hereby given that in the case of People of the State of Illinois, ex rel., Lisa Madigan, Attorney General of the State of Illinois v. Centralia Environmental Services, Inc., No. 2006-MR-105 (Marion County, Illinois), on November 24, 2009, a proposed Partial Consent Order was lodged with the Circuit Court.

This action under Section 22.2(f) of the Environmental Protection Act, 415 ILCS 5/22.2(f), involves the release or threatened release of hazardous substances at sites near Centralia, Marion County, Illinois. Under the Complaint, Illinois seeks recovery of past costs and other relief from the Defendants

Under the Partial Consent Order, the Settling Defendants agree to make certain payments to resolve the State's claims relating to the release.

The Illinois Attorney Generals Office will accept, for a period of thirty days from the date of publication of this Notice, comments relating to the Partial Consent Order. Comments should be addressed to James L. Morgan, Senior Assistant Attorney General, Environmental Bureau, 500 South Second Street, Springfield, Illinois, 62706, and should refer to case of *People of the State of Illinois, ex rel., Lisa Madigan, Attorney General of the State of Illinois v. Centralia Environmental Services, Inc.*, No. 2006-MR-105.

A copy of the Partial Consent Order may be obtained by mailing a request to James Morgan at the address in the paragraph above, by faxing the request to 217-524-7740, or by e-mailing the request to jmorgan@atg.state.il.us. The Consent Decree may also be examined at the Office of the Attorney General, 3000 Montvale Avenue, Springfield, Illinois.

PROCLAMATIONS

2009-351**GUBERNATORIAL PROCLAMATION**

On October 24, 2009, the President of the United States declared a national emergency pursuant to section 201 of the National Emergencies Act to facilitate the country's ability to respond to the H1N1 influenza virus. The H1N1 epidemic is moving rapidly and, as with the rest of the country, it is necessary for the State of Illinois to continue to combat and prevent the spread of the virus. Over the last two months, the State of Illinois has received shipments of the H1N1 influenza vaccine and the local health departments, hospitals and physicians have vaccinated individuals in the five priority groups identified by the Center for Disease Control's Advisory Committee on Immunization Practices, i.e., pregnant women, people who live with or care for children younger than 6 months of age, health care and emergency medical services personnel who provide direct patient care, persons between the ages of 6 months and 24 years, and people 25 through 64 years of age who are at higher risk for H1N1 because of chronic health disorders or compromised immune systems.

As a greater number of individuals in the federally identified priority groups become vaccinated, and as the supply of available H1N1 influenza vaccines increases, the Illinois Department of Public Health has decided to allow health care providers to begin vaccinating the general public for the H1N1 influenza on December 15, 2009. When the H1N1 influenza vaccine becomes available to the general public, the State of Illinois anticipates a significant surge in the demand for vaccination.

Therefore, in the interest of aiding the citizens of Illinois, medical facilities, and the State agencies and local governments responsible for ensuring public health and safety, and pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I hereby proclaim that a public health emergency exists in the State of Illinois.

This gubernatorial proclamation will assist the Illinois Emergency Management Agency and the Illinois Department of Public Health in coordinating State efforts in accordance with the State emergency response plans. This proclamation will allow for modification of scopes of practice for occupations with training to give vaccinations as well as assist with patient treatment.

Date: December 11, 2009

Filed: December 11, 2009

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

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