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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 2015

Issue#	Rules Due Date	Date of Issue
1	December 22, 2014	January 2, 2015
2	December 29, 2014	January 9, 2015
3	January 5, 2015	January 16, 2015
4	January 12, 2015	January 23, 2015
5	January 20, 2015	January 30, 2015
6	January 26, 2015	February 6, 2015
7	February 2, 2015	February 13, 2015
8	February 9, 2015	February 20, 2015
9	February 17, 2015	February 27, 2015
10	February 23, 2015	March 6, 2015
11	March 2, 2015	March 13, 2015
12	March 9, 2015	March 20, 2015
13	March 16, 2015	March 27, 2015
14	March 23, 2015	April 3, 2015
15	March 30, 2015	April 10, 2015
16	April 6, 2015	April 17, 2015
17	April 13, 2015	April 24, 2015
18	April 20, 2015	May 1, 2015
19	April 27, 2015	May 8, 2015

20	May 4, 2015	May 15, 2015
21	May 11, 2015	May 22, 2015
22	May 18, 2015	May 29, 2015
23	May 26, 2015	June 5, 2015
24	June 1, 2015	June 12, 2015
25	June 8, 2015	June 19, 2015
26	June 15, 2015	June 26, 2015
27	June 22, 2015	July 6, 2015
28	June 29, 2015	July 10, 2015
29	July 6, 2015	July 17, 2015
30	July 13, 2015	July 24, 2015
31	July 20, 2015	July 31, 2015
32	July 27, 2015	August 7, 2015
33	August 3, 2015	August 14, 2015
34	August 10, 2015	August 21, 2015
35	August 17, 2015	August 28, 2015
36	August 24, 2015	September 4, 2015
37	August 31, 2015	September 11, 2015
38	September 8, 2015	September 18, 2015
39	September 14, 2015	September 25, 2015
40	September 21, 2015	October 2, 2015
41	September 28, 2015	October 9, 2015
42	October 5, 2015	October 16, 2015
43	October 13, 2015	October 23, 2015
44	October 19, 2015	October 30, 2015
45	October 26, 2015	November 6, 2015
46	November 2, 2015	November 13, 2015
47	November 9, 2015	November 20, 2015
48	November 16, 2015	November 30, 2015
49	November 23, 2015	December 4, 2015
50	November 30, 2015	December 11, 2015
51	December 7, 2015	December 18, 2015
52	December 14, 2015	December 28, 2015

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: 120.61 Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: The \$60 personal needs allowance was only legislated for State FY15. This amendment makes the necessary changes to show the applicable personal needs allowance rate for FY15 and after.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule 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 Actions:</u>	<u>Illinois Register Citation:</u>
120.12	Repealed	39 Ill. Reg. 1403; January 23, 2015
120.14	Repealed	38 Ill. Reg. 1403; January 23, 2015
120.66	New Section	39 Ill. Reg. 1403; January 23, 2015
120.67	New Section	39 Ill. Reg. 1403; January 23, 2015
120.68	New Section	39 Ill. Reg. 1403; January 23, 2015

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Mollie Zito
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

217/782-1233
HFS.Rules@illinois.gov

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 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:
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2015

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10 Eligibility for Medical Assistance
120.11 Eligibility for Pregnant Women and Children
120.12 Healthy Start – Medicaid Presumptive Eligibility Program for Pregnant Women
120.14 Presumptive Eligibility for Children
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.32 FamilyCare Assist
120.34 FamilyCare Share and FamilyCare Premium Level 1 (Repealed)
120.40 Exceptions To Use Of MANG Income Standard (Repealed)
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section

120.60 Community Cases
120.61 Long Term Care
120.62 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings Under 89 Ill. Adm.
Code 140.643 (Repealed)
120.63 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings (Repealed)
120.64 Determination of Eligibility for Cases Subject to Modified Adjusted Gross
Income (MAGI) Methodology

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

120.65 Department of Mental Health and Developmental Disabilities (DMHDD)
Licensed Community – Integrated Living Arrangements (Repealed)

SUBPART D: MEDICARE PREMIUMS

Section

120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73 Eligibility for Payment of Medicare Part B Premiums for Specified Low-Income
Medicare Beneficiaries (SLIBs) and Qualified Individuals-1 (QI-1)
120.74 Qualified Medicare Beneficiary (QMB) Income Standard
120.75 Specified Low-Income Medicare Beneficiaries (SLIBs) and Qualified
Individuals-1 (QI-1) Income Standards
120.76 Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section

120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section

120.90 Migrant Medical Program (Repealed)
120.91 Income Standards (Repealed)

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section

120.200 Elimination Of Aid To The Medically Indigent
120.208 Client Cooperation (Repealed)
120.210 Citizenship (Repealed)
120.211 Residence (Repealed)
120.212 Age (Repealed)
120.215 Relationship (Repealed)
120.216 Living Arrangement (Repealed)
120.217 Supplemental Payments (Repealed)
120.218 Institutional Status (Repealed)
120.224 Foster Care Program (Repealed)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

120.225	Social Security Numbers (Repealed)
120.230	Unearned Income (Repealed)
120.235	Exempt Unearned Income (Repealed)
120.236	Education Benefits (Repealed)
120.240	Unearned Income In-Kind (Repealed)
120.245	Earmarked Income (Repealed)
120.250	Lump Sum Payments and Income Tax Refunds (Repealed)
120.255	Protected Income (Repealed)
120.260	Earned Income (Repealed)
120.261	Budgeting Earned Income (Repealed)
120.262	Exempt Earned Income (Repealed)
120.270	Recognized Employment Expenses (Repealed)
120.271	Income From Work/Study/Training Program (Repealed)
120.272	Earned Income From Self-Employment (Repealed)
120.273	Earned Income From Roomer and Boarder (Repealed)
120.275	Earned Income In-Kind (Repealed)
120.276	Payments from the Illinois Department of Children and Family Services (Repealed)
120.280	Assets (Repealed)
120.281	Exempt Assets (Repealed)
120.282	Asset Disregards (Repealed)
120.283	Deferral of Consideration of Assets (Repealed)
120.284	Spend-down of Assets (AMI) (Repealed)
120.285	Property Transfers (Repealed)
120.290	Persons Who May Be Included in the Assistance Unit (Repealed)
120.295	Payment Levels for AMI (Repealed)

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120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled
120.315	Relationship
120.316	Living Arrangements

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

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120.318	Institutional Status
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120.360	Earned Income
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120.363	Earned Income Disregard – MANG(C)
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120.371	Income From Work/Study/Training Programs
120.372	Earned Income From Self-Employment

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

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120.388	Property Transfers Occurring On or After January 1, 2007
120.390	Persons Who May Be Included In the Assistance Unit
120.391	Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
120.392	Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
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120.510	Health Benefits for Workers with Disabilities
120.520	SeniorCare (Repealed)
120.530	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
120.540	Illinois Healthy Women Program
120.550	Asylum Applicants and Torture Victims
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120.TABLE B	Life Expectancy (Repealed)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13] and implementing the federal Deficit Reduction Act of 2005.

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; preemptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill.

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Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10314, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 15029, effective September 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 2629, effective January 28, 2007; emergency amendment at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11667, effective August 1, 2007; amended at 31 Ill. Reg. 12756, effective August 27, 2007; emergency amendment at 31 Ill. Reg. 15854, effective November 7, 2007, for a maximum of 150 days; emergency rule suspended at 31 Ill. Reg. 16060, effective November 13, 2007; emergency rule repealed, effective May 10, 2008; preemptory amendment at 32 Ill. Reg. 7212, effective April 21, 2008; preemptory amendment suspended at 32 Ill. Reg. 8450, effective May 20, 2008; preemptory amendment repealed under Section 5-125 of the Illinois Administrative Procedure Act, effective November 16, 2008; amended at 32 Ill. Reg. 17428, effective November 1, 2008; preemptory amendment at 32 Ill. Reg. 18889, effective November 18, 2008; preemptory amendment suspended at 32 Ill. Reg. 18906, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at

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33 Ill. Reg. 6551, effective April 28, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 6712, effective April 28, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 1681, effective February 1, 2009; amended at 33 Ill. Reg. 2289, effective March 1, 2009; emergency amendment at 33 Ill. Reg. 5802, effective April 2, 2009, for a maximum of 150 days; emergency expired August 29, 2009; emergency amendment at 33 Ill. Reg. 10785, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 12703, effective September 7, 2009; amended at 33 Ill. Reg. 15707, effective November 2, 2009; amended at 33 Ill. Reg. 17070, effective December 2, 2009; amended at 34 Ill. Reg. 889, effective December 30, 2009; emergency rulemaking at 34 Ill. Reg. 13538, effective September 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 379, effective December 27, 2010; amended at 35 Ill. Reg. 979, effective January 1, 2011; amended at 35 Ill. Reg. 18645, effective January 1, 2012; amended at 36 Ill. Reg. 4133, effective March 1, 2012; amended at 36 Ill. Reg. 9095, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 10253, effective July 1, 2012 through June 30, 2013; amended at 36 Ill. Reg. 17044, effective November 26, 2012; emergency amendment at 36 Ill. Reg. 17549, effective December 3, 2012 through June 30, 2013; amended at 37 Ill. Reg. 10208, effective June 27, 2013; emergency amendment at 37 Ill. Reg. 15976, effective October 1, 2013, for a maximum of 150 days; emergency amendment to emergency rule at 38 Ill. Reg. 1139, effective January 1, 2014, for a maximum of 150 days; emergency amendment to emergency rule at 38 Ill. Reg. 2925, effective January 10, 2014, for a maximum of 150 days; emergency amendments effective January 1 and January 10, 2014 repealed by emergency rule at 38 Ill. Reg. 7368, effective March 24, 2014, for the remainder of the 150 day effective periods of each of the emergency rules; amended at 38 Ill. Reg. 5967, effective February 26, 2014; emergency amendment at 38 Ill. Reg. 7650, effective March 24, 2014, for a maximum of 150 days; emergency amendment at 38 Ill. Reg. 15646, effective July 7, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 16214, effective July 17, 2014; amended at 38 Ill. Reg. 18432, effective August 19, 2014; amended at 38 Ill. Reg. 23595, effective December 2, 2014; amended at 39 Ill. Reg. 4376, effective March 11, 2015; amended at 39 Ill. Reg. _____, effective _____.

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.61 Long Term Care

This Section applies to persons residing in long term care facilities or State-certified, State-licensed, or State-contracted residential care programs who, as a condition of eligibility for medical assistance, are required to pay all of their income, less certain protected amounts, for the cost of their own care.

- a) The term "long term care facility" refers to:

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- 1) an institution (or a distinct part of an institution) that meets the definition of a "nursing facility" as that term is defined in 42 USC 1396r;
 - 2) licensed Intermediate Care Facilities (ICF and ICF/DD), licensed Skilled Nursing Facilities (SNF and SNF/Ped) and licensed hospital-based long term care facilities (see 89 Ill. Adm. Code 148.50(c)); and
 - 3) Supportive Living Facilities (SLF) and Community Integrated Living Facilities (CILF).
- b) The eligibility period shall begin with:
- 1) the first day of the month of application;
 - 2) up to three months prior to the month of application for any month in which the person meets both financial and non-financial eligibility requirements. Eligibility will be effective the first day of a retroactive month if the person meets eligibility requirements at any time during that month; or
 - 3) the first day of a month, after the month of application, in which the person meets non-financial and financial eligibility requirements.
- c) Eligibility Without Spenddown
- 1) A one-month eligibility period will be used. If a person's nonexempt income available during the eligibility period is equal to or below the applicable income standard and nonexempt resources are not in excess of the applicable resource disregard (see Section 120.382), the person is eligible for medical assistance from the first day of the eligibility period without a spenddown.
 - 2) A person eligible under this subsection (c) is responsible for reporting any changes that occur during the eligibility period that might affect eligibility for medical assistance. If changes occur, appropriate action shall be taken by the Department, including termination of eligibility for medical assistance. If changes in income, resources or family composition occur that would make the person a spenddown case, a spenddown obligation

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will be determined and subsection (d) will apply. A redetermination of eligibility shall be made at least every 12 months.

- d) Eligibility with Spenddown
- 1) If countable income available during the eligibility period exceeds the applicable income standard and/or nonexempt resources exceed the applicable resource disregard, a person has a spenddown obligation that must be met before financial eligibility for medical assistance can be established. The spenddown obligation is the amount by which the person's countable income exceeds the applicable income standard or nonexempt resources exceed the applicable resource disregard.
 - 2) A person meets the spenddown obligation by incurring or paying for medical expenses in an amount equal to the spenddown obligation. Medical expenses shall be applied to the spenddown obligation as provided in Section 120.60(c).
 - 3) Projected expenses for services provided by a long term care facility that have not yet been incurred, but are reasonably expected to be, may also be used to meet a spenddown obligation. The amount of the projected expenses is based on the private pay rate of the long term care facility at which the person resides or is seeking admission.
 - 4) A person who has both an income spenddown and a resource spenddown cannot apply the same incurred medical benefits to both. Incurred medical expenses are first applied to an income spenddown.
- e) Post-eligibility Treatment of Income. If non-financial and financial eligibility is established, a person's total income, including income exempt and disregarded in determining eligibility, must be applied to the cost of the person's care, minus any applicable deductions provided under subsection (f).
- f) Post-eligibility Income Deductions. From a person's total income that is payable for a person's care, certain deductions are allowed. Allowed deductions shall increase the amount paid by the Department for residential services on behalf of the person, up to the Department's payment rate for the facility. Deductions shall be allowed for the following amounts in the following order:

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- 1) SSI benefits paid under 42 USC 1382(e)(1)(E) or (G) and, for residents of Supportive Living Facilities, the minimum current SSI payment standard for an individual (or a couple, if spouses reside together), less the personal needs allowance specified in subsection (f)(2)(C) of this Section, shall be deducted for room and board charges (see 89 Ill. Adm. Code 146.225(c) and (d));
- 2) a personal needs allowance:
 - A) for persons other than those specified in subsections (f)(2)(B) through (F), \$30 per month;
 - B) for spouses residing together, \$60 per couple per month (\$30 per spouse);
 - C) for persons or spouses residing in Supportive Living Facilities, \$90;
 - D) for persons residing in Community Integrated Living Arrangements (see 59 Ill. Adm. Code 115); ~~-\$60 per month, with dates of service beginning on or after 9/1/14;~~
 - i) \$50 per month, for dates of service prior to 9/1/14;
 - ii) \$60 per month, for dates of service on or after 9/1/14 through 6/30/15;
 - iii) \$50 per month, for dates of service on or after 7/1/15;
 - E) for veterans who have neither a spouse nor dependent child, or surviving spouses of veterans who do not have a dependent child, and whose monthly veterans' benefits are reduced to \$90, a \$90 income disregard is allowed in lieu of a personal allowance deduction. Persons allowed the \$90 per month income disregard are not also permitted the \$30 per month personal allowance; or
 - F) for persons residing in an Intermediate Care Facility for Individuals with Developmental Disabilities (ICF/DD) licensed

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under the ID/DD Community Care Act [210 ILCS 47]; ~~\$60 per month, with dates of service beginning on or after 9/1/14;~~

- i) \$30 per month, for dates of service prior to 9/1/14;
 - ii) \$60 per month, for dates of service on or after 9/1/14 through 6/30/15;
 - iii) \$30 per month, for dates of service on or after 7/1/15;
- 3) a community spouse income allowance pursuant to Section 120.379(e);
- 4) a family allowance pursuant to Section 120.379(e)(2);
- 5) an amount to meet the needs of qualifying children (as defined in 26 USC 152) under age 21 who do not reside with either parent, who do not have enough income to meet their needs and whose resources do not exceed the resource limit. To determine needs and resource limits:
- A) the MANG(C) and applicable resource disregard are used (see Sections 120.30 and 120.382); and
 - B) any payments made on medical bills for the children can be deducted from the person's income;
- 6) amounts for incurred expenses for certain Medicare and health insurance cost sharing that are not subject to payment by a third party, limited to:
- A) Medicare premiums, deductibles, or coinsurance charges not paid by Medicaid or another third party payor;
 - B) Other health insurance premiums, deductibles or coinsurance (cost sharing) charges provided the insurance meets the definition of a "health benefit plan" and is approved for providing that insurance in Illinois by the Illinois Department of Insurance.
 - i) "Health benefit plan" means any accident and health insurance policy or certificate, health services plan contract, health maintenance organization subscriber

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contract, plan provided by a MEWA (Multiple Employer Welfare Arrangement) or plan provided by another benefit arrangement.

- ii) Health benefit plan does not mean accident only, credit, or disability insurance; long-term care insurance (except for the month of admission to a long term care facility); dental only or vision only insurance; specified disease insurance; hospital confinement indemnity coverage; limited benefit health coverage; coverage issued as a supplement to liability insurance; insurance arising out of a workers' compensation or similar law; automobile medical payment insurance; or insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance;
- 7) Expenses Not Subject to Third Party Payment for Necessary Medical Care Recognized under State Law, but Not a Covered Service under the Medical Assistance Program. "Necessary medical care" has the meaning described in Section 2 of the Comprehensive Health Insurance Plan Act [215 ILCS 105/2] and must be proved as such by a prescription, referral or statement from the patient's doctor or dentist. The following are allowable deductions from a person's post-eligibility income for medically necessary services:
- A) expenses incurred within the six months prior to the month of an application, provided those expenses remain a current liability to the person and were not used to meet a spenddown. Medical expenses incurred during a period of ineligibility resulting from a penalty imposed under Section 120.387 or 120.388 are not an allowable deduction;
 - B) expenses incurred for necessary medical services from a medical provider (subject to reasonable dollar limits on specific services) so long as the provider was not terminated, barred or suspended from participation in the Medical Assistance Program (pursuant to 89 Ill. Adm. Code 140.16, 140.17 or 140.18) at the time the medical services were provided; and

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- C) expenses for long term care services, subject to the limitations of this subsection (f)(7) and provided that the services were not provided by a facility to a person admitted during a time the facility was subject to the sanction of non-payment for new admissions (see 305 ILCS 5/12-4.25(I)(3));
- 8) Amounts to maintain a residence in the community for up to six months when:
- A) the person does not have a spouse and/or dependent children in the home;
 - B) a physician has certified that the stay in the facility is temporary and the individual is expected to return home within six months;
 - C) the amount of the deduction is based on:
 - i) the rent or property expense allowed under the AABD MANG standard if the person was at home (see 89 Ill. Adm. Code 113.248); and
 - ii) the utility expenses that would be allowed under the AABD MANG standard if the person was at home (see 89 Ill. Adm. Code 113.249).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Certification and Operation of Environmental Laboratories
- 2) Code Citation: 77 Ill. Adm. Code 465
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
465.120	Amendment
465.125	Amendment
465.200	Amendment
465.310	Amendment
465.360	Amendment
- 4) Statutory Authority: Implementing Section 1401(1)(D) of the Safe Drinking Water Act (42 U.S.C. 300f(1)(D)), Subpart C of the National Primary Drinking Water Regulations (40 CFR 141.21 through 141.30 (1991)), the Illinois Environmental Protection Act [415 ILCS 5] and the Civil Administrative Code of Illinois [20 ILCS 5], and authorized by Sections 4(o) and (p) of the Illinois Environmental Protection Act [415 ILCS 5/4(o) and (p)] and Sections 2310-575, 2310-580, and 2310-30 of the Civil Administrative Code of Illinois [20 ILCS 2310]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking seeks to allow laboratories that test drinking water to use additional vendors as proficiency test providers for microbiology drinking water to include those test providers recognized by The NELAC Institute (TNI) in addition to those accredited by the American Association for Laboratory Accreditation. Laboratories will not be required to use the vendors, but rather may use the vendor the laboratory determines will best benefit the laboratory operation. The addition of additional methods of testing and vendors will increase competition with the potential for reduction of costs to the laboratory. Currently, there is only one acceptable testing method and only vendors accredited by the American Association for Laboratory Accreditation may be used. The rulemaking adds certification for "TECTA EC/TC Automated Microbiology System" as an alternate test procedure for detecting coliform and E. coli in water samples. The rulemaking also changes references to the General Education Development (GED) test to high school equivalency certificate.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

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- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will impose a State Mandate on units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Elizabeth Paton
Assistant General Counsel
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield IL 62761

217/782-2043
e-mail: dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Laboratories certified for water microbiology
 - B) Reporting, bookkeeping or other procedures required for compliance: Laboratory quality control and reports of sample analysis
 - C) Types of professional skills necessary for compliance:

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- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas as the need for this rulemaking was not apparent at the time those Agendas were prepared.

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER d: LABORATORIES AND BLOOD BANKSPART 465
CERTIFICATION AND OPERATION OF ENVIRONMENTAL LABORATORIES

SUBPART A: GENERAL PROVISIONS

Section	
465.100	Authority (Repealed)
465.110	Scope and Applicability
465.120	Definitions
465.125	Incorporated and Referenced Materials
465.130	Certification Procedure
465.140	Conditions Governing the Use of Certificates
465.150	Provisional Certification
465.170	Changes in Ownership or Operations
465.180	Revocation of Certification
465.190	Subcontracting by Certified Laboratories
465.200	Proficiency Testing Samples (PTs)
465.210	Authority of Certification Officers
465.220	Hearing, Decision and Appeal
465.230	Liability
465.240	Reciprocity Agreements

SUBPART B: MICROBIOLOGICAL ANALYSES
OF PUBLIC WATER SUPPLY SAMPLES

Section	
465.300	Scope and Applicability
465.310	Personnel Requirements
465.320	Laboratory Facilities
465.330	Laboratory Equipment
465.340	Laboratory Glassware, Plastic Ware and Metal Utensils
465.350	General Laboratory Practices
465.360	Methodology
465.370	Sample Collection, Handling and Preservation
465.380	Standards for Laboratory Pure Water

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465.390	General Quality Control Procedures
465.400	Quality Controls for Media, Equipment and Supplies
465.410	Data Handling
465.420	Record Maintenance
465.430	Action Response to Laboratory Results

465.APPENDIX A Colisure P/A and Colisure Multiple Tube P/A (Repealed)

AUTHORITY: Implementing section 1401(1)(D) of the Safe Drinking Water Act (42 USC 300f(1)(D)), subpart C of the National Primary Drinking Water Regulations (40 CFR 141.21 through 141.30 (1991)), the Illinois Environmental Protection Act [415 ILCS 5] and the Civil Administrative Code of Illinois [20 ILCS 5], and authorized by Section 4(o) and (p) of the Illinois Environmental Protection Act and Sections 2310-575, 2310-580, and 2310-30 of the Civil Administrative Code of Illinois [20 ILCS 2310].

SOURCE: Adopted at 22 Ill. Reg. 14294, effective July 15, 1998; amended at 35 Ill. Reg. 14494, effective August 12, 2011; amended at 38 Ill. Reg. 16240, effective July 15, 2014; amended at 39 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 465.120 Definitions

For purposes of this Part, unless otherwise specifically defined or the context clearly requires a different meaning:

"Act" means ~~Section~~~~Sections~~ 4(o) and (p) of the Environmental Protection Act [415 ILCS 5/4(o) and (p)].

~~"American Association for Laboratory Accreditation" or "A2LA" means an association that offers accreditation of proficiency testing providers, located at 5301 Buckeystown Pike, Suite 350, Frederick MD 21704, 301-644-3248~~

"Analyst" means any person who performs analyses for certain or all parameters on samples submitted to the environmental laboratory and who meets the qualifications set forth in Section 465.310(b).

"ASTM International" or "ASTM" means a not-for-profit, voluntary standards development system, located at 100 Barr Harbor Drive, P.O. Box C700, West

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"Certification" means a status of approval granted to an environmental laboratory that meets the criteria established by this Part or in accordance with a reciprocity agreement entered into pursuant to Section 465.240. Certification is not a guarantee of the validity of the data generated.

"Certification Officer" means any person who is designated by the Department to inspect and evaluate environmental laboratories for compliance in meeting the criteria set forth in this Part. Certification officers shall meet the educational and experience qualifications for laboratory supervisors as set forth in Section 465.310(a).

"Department" means the Illinois Department of Public Health.

"Deficiency" means a failure of an environmental laboratory to meet any requirement of this Part.

"Environmental Laboratory" means any facility that performs analyses on environmental samples to determine the quality of food, milk, public water supplies, surface water, ground water, recreational waters, wastewater, air, or land.

~~"General Education Development Tests" or "GED Tests" means a group of five subject tests that, when passed, certify that the test taker has American or Canadian high school level skills.~~

"Laboratory Pure Water" means water meeting the standards set forth in Section 465.380.

"Laboratory Supervisor" means a person who supervises the performance of the analytical procedures within an environmental laboratory and who meets the qualifications set forth in Section 465.310(a).

"Major Remodeling" means any remodeling of the laboratory facility that requires the acquisition of a local building permit.

"P-A Coliform Test" means "Presence-Absence Coliform Test".

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"Proficiency Testing Samples" or "PTs" means samples provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the sample within acceptance limits specified in 40 CFR 141.2 . The composition of the reference material is unknown to the laboratory at the time of the analysis.

"Provisional Certification" means a certification status granted to an environmental laboratory to allow time for the correction of a deficiency. Failure to correct a deficiency during the provisional certification period allows the Department to revoke certification as specified in Section 465.180. While on provisional certification, an environmental laboratory remains approved for the analyses covered by its certification.

"Public Water Supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and that serve at least 15 service connections or that regularly serve at least 25 persons at least 60 days per year.

"Quality Assurance" means an integrated system of management activities involving planning, quality control, quality assessment, reporting and quality improvement to ensure that a product or service meets defined standards of quality with a stated level of confidence.

"Quality Assurance Plan" means a comprehensive plan detailing the aspects of quality assurance needed to adequately fulfill the data needs of a program. This document is required before the laboratory is certified.

"Quality Control" means the overall system of technical activities whose purpose is to measure and control the quality of a product or service so that it meets the needs of the users; operational techniques and activities that are used to fulfill requirements for quality.

"Readily Accessible" means that the referenced item is located upon the premises.

"Standard Operating Procedure" means a written document that details the method of an operation, analysis or action, the techniques and procedures of

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which are thoroughly prescribed and that is officially approved as the method for performing certain routine or repetitive tasks.

"The NELAC Institute" or "TNI" is an organization that recognizes associations that offer accreditation of microbiology drinking water proficiency testing providers, located at P.O. Box 2439, Weatherford TX 76086, 817-598-1624.

"Too Numerous to Count" or "TNTC" means greater than 200 colonies on the membrane filter in the absence of detectable coliforms when analyzing drinking water for total coliforms.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 465.125 Incorporated and Referenced Materials

- a) The following publications and federal regulations are incorporated by reference:
- 1) "Chromocult Coliform Agar Presence/Absence Membrane Filter Test Method for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters;" November 2000, Version 1.0; available from EMD Chemicals Inc. (an affiliate of Merck KGaA, Darmstadt, Germany), 480 S. Democrat Road, Gibbstown NJ 08027-1297, 800-222-0342; www.emdchemicals.com.
 - 2) "Readycult Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters;" Version 1.1 2007; available from EMD Chemicals Inc., 480 S. Democrat Road, Gibbstown NJ 08027-1297, 800-222-0342; www.emdchemicals.com.
 - 3) "IDEXX SimPlate™ HPC Test Method for Heterotrophs in Water;" November 2000; IDEXX Laboratories, Inc., One IDEXX Drive, Westbrook ~~ME, Maine~~ 04092, 800-321-0207.
 - 4) "Membrane Filtration Method m-ColiBlue24® Broth" (m-ColiBlue24®), Revision 2, August 17, 1999; available from Hach Company, P.O. Box 389, Loveland CO 80539, 800-604-3493.

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- 5) Method 1604: Total Coliforms and Escherichia coli in Water by Membrane Filtration Using a Simultaneous Detection Technique (MI Medium), September 2002, known as EPA 821-R-02-024; available from the U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington DC, 20460, 202-272-0167.
- 6) Method 1623 Cryptosporidium and Giardia in Water by Filtration/IMS/FA, December 2005, known as EPA 815-R-05-002; available from the U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington DC 20460, 202-272-0167.
- 7) Method 1623.1 Cryptosporidium and Giardia in Water by Filtration/IMS/FA, January 2012, known as EPA 816-R-12-001; available from the U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington DC 20460, 202-272-0167.
- 8) "Charm E*Colite™ Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Drinking Water" (E*Colite®), January 9, 1998; available from Charm Sciences, Inc., 659 Andover Street, Lawrence MA 01843-1032, 800-343-2170.
- 9) "Modified Colitag™ Product as a Test for Detection and Identification of Coliforms and E. coli Bacteria in Drinking Water and Source Water as Required in the National Primary Drinking Water Regulations" (Modified Colitag®); available from CPI International, 5580 Skylane Boulevard, Santa Rosa CA 95403, 707-525-5788.
- 10) Manual for the Certification of Laboratories Analyzing Drinking Water, USEPA 570/9-90/008A, 5th Edition (January 2005). A copy of this manual can be obtained by contacting the U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington DC 20460, 202-272-0167.
- 11) Supplement 1 to the Fifth Edition of the Manual for the Certification of Laboratories Analyzing Drinking Water, June 2008, known as EPA 815-F-08-006; available from the U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington DC 20460, ~~Telephone:~~ 202-272-0167.

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- 12) Supplement 2 to the Fifth Edition of the Manual for the Certification of Laboratories Analyzing Drinking Water, November 2012, known as EPA 815-F-12-006; available from the U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington DC 20460, ~~Telephone:~~ 202-272-0167.
- 13) United States Environmental Protection Agency National Primary Drinking Water Regulations (40 CFR 141), July 2006; available from the U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington DC 20460, 202-272-0167.
- 14) Occupational Safety and Health Standards (29 CFR 1910), July 2007; available from the U.S. Department of Labor, Occupational Safety & Health Administration, 200 Constitution Avenue, NW, Washington DC 20210.
- 15) 40 CFR 141, 142, National Primary Drinking Water Regulations; Revisions to the Total Coliform Rule (February 13, 2012).
- 16) 40 CFR 9, 141, 142, National Primary Drinking Water Regulations: Ground Water Rule (November 8, 2006).
- 17) 40 CFR 9, 141, 142, National Primary Drinking Water Regulations: Long Term 2 Enhanced Surface Water Treatment Rule (January 5, 2006).
- 18) Good Automated Laboratory Practices, known as EPA 2185, Office of Information Management, Research Triangle Park NC 27711, August 10, 1995.
- 19) Standard Methods for the Examination of Water and Wastewater, ~~either~~ the 20th Edition, 1998; 21st Edition, 2005; or 22nd Edition, 2012; and online version as cited per method in 40 CFR 141 and 142, February 13, 2013; available from the American Public Health Association, 1015 Fifteenth Street, NW, Washington DC 20001.
- 20) ASTM E617-13, Standard Specification for Laboratory Weights and Precision Mass Standards; available from ASTM International (~~ASTM~~);

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100 Barr Harbor Drive, P.O. Box C700, West Conshohocken PA, 610-832-9500, www.astm.org.

- 21) NIST Handbook 150-2G, National Voluntary Laboratory Accreditation Program, Calibration Laboratories, Technical Guide for Mechanical Measurements, March 2004; available from National Voluntary Laboratory Accreditation Program, National Institute of Standards and Technology, 100 Bureau Drive, Stop 2140, Gaithersburg MD 20899-2140, 301-975-4016.
 - 22) [TECTA EC/TC Method, May 22, 2014; available from Veolia Water Solutions and Technologies, Suite 4697, Biosciences Complex, 116 Barrie Street, Kingston, Ontario K7L 3N6 Canada, 866-362-0993.](#)
 - 23) [40 CFR 141, National Primary Drinking Water Regulations: Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures \(January 19, 2014\).](#)
- b) These incorporations by reference refer to the edition of the document on the date specified and do not include any subsequent amendments or editions.
- c) The following laws and rules are referenced in this Part:
- 1) Safe Drinking Water Act (42 USC 300f(1)(D))
 - 2) Civil Administrative Code of Illinois [20 ILCS 5]
 - 3) Illinois Environmental Protection Act [415 ILCS 5]
 - 4) Illinois Plumbing Code, Illinois Department of Public Health (77 Ill. Adm. Code 890)
 - 5) Primary Drinking Water Standards, Pollution Control Board (35 Ill. Adm. Code 611)
 - 6) Electronic Commerce Security Act [5 ILCS 175]
 - 7) Local Records Act [50 ILCS 205]

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(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 465.200 Proficiency Testing Samples (PTs)

- a) An environmental laboratory is required to participate in proficiency testing samples (PTs) analyses for each analytical parameter or method for which it seeks or wishes to maintain certification in accordance with the certification procedures of Section 465.130(c), the certification renewal procedures of Section 465.140(a), and the quality assurance requirements contained in Subpart B of this Part.
- b) Heterotrophic plate count and coliform Microbiological Water Supply (WS) PT samples shall be analyzed annually (every 12 months). Cryptosporidium PT samples shall be analyzed every four to six months. PT samples shall be analyzed in the same manner as routine samples. The laboratory shall document that the analyst analyzing any PT sample is a laboratory employee who routinely analyzes drinking water compliance samples.
- c) Laboratories shall acquire the PT sample from a provider acceptable to TNIAccredited under A2LA.
- d) For methods used to test the presence or absence of an organism in a sample, each set shall contain 10 samples, all shipped at the same time in ~~either~~ a lyophilized, dehydrated, or aqueous state. The set shall include samples, in various combinations, that contain total coliforms, fecal coliforms, E. coli, non-coliforms, and at least one blank. Each set shall be used only with a single analytical method. For a PT result to be acceptable, the laboratory shall have no false negative results and no more than one false positive result for each set.
- e) For quantitative methods, each set shall contain one sample. For a PT to be acceptable, the laboratory result shall be statistically acceptable as determined by the PT provider.
- f) Unless otherwise specified in Subpart B, within 60 days after receipt of a PT sample, the environmental laboratory shall analyze the sample and report the test results to the PT provider. The PT provider shall submit the laboratory's results and acceptable ranges to the Department. No fee shall be charged to the Department for the analyses.

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(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART B: MICROBIOLOGICAL ANALYSES
OF PUBLIC WATER SUPPLY SAMPLES

Section 465.310 Personnel Requirements

- a) The microbiology laboratory supervisor shall have a minimum of a bachelor's degree in microbiology, biology, chemistry, or related natural or physical science field, shall have completed a training course conducted or approved by the Department, and shall have received Department approval to serve as laboratory supervisor. In addition, the laboratory supervisor shall have had a minimum of 80 hours of on-the-job training in water microbiology at a certified laboratory. The supervisor shall demonstrate the ability to properly perform representative test procedures under his or her supervision while under observation by the certification officer. A laboratory supervisor shall be a full-time employee who is on-site at the certified laboratory. If the laboratory supervisor position becomes vacant, then a replacement supervisor shall be in place within 60 days.
- b) The parasitology principal analyst/supervisor shall have a minimum of a bachelor's degree in microbiology or a closely related field, shall have a minimum of one year of bench experience with *Cryptosporidium* and immunofluorescence assay (FA) microscopy, have a minimum of six months experience using Method 1623 or 1623.1, and have analyzed a minimum of 100 samples using Method 1623 or 1623.1. The principal analyst/supervisor shall participate in a monthly analyst verification, shall supervise and verify the processing and microscopy in the laboratory, and may perform the same duties as an analyst. The principal analyst/supervisor shall ensure that all laboratory personnel are able to perform the analyses to which they are assigned and that all data reported by the laboratory meet the required quality assurance and regulatory criteria.
- c) A microbiology analyst performs microbiological analyses on water, shall have a minimum of a high school diploma and shall have a minimum of 30 days of on-the-job training in drinking water microbiology under an experienced analyst. In addition, an analyst shall be able to perform representative test procedures with which he or she is involved while under the observation of the certification officer. Analysts shall be under the direct supervision of the laboratory supervisor. Before analyzing compliance samples, the analyst shall demonstrate acceptable results on samples spiked with known culture controls.

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- d) A parasitology analyst establishes Kohler illumination for the microscope, may perform the same duties as a technician, and is able to examine samples using the microscope. An analyst shall have a minimum of two years of college with courses in microbiology or a closely related field, a minimum of six months of bench experience with *Cryptosporidium* and FA microscopy, and a minimum of three months of experience using Method 1623 or 1623.1. The analyst shall participate in a monthly analyst verification.
- e) A parasitology technician filters samples, performs centrifugation, elution, concentration, and purification using immunomagnetic separation (IMS), and prepares purified samples on slides for microscopic examination, but does not perform microscopic protozoan identification. A technician shall have a minimum of three months of experience in filter extraction and processing of protozoa samples by Method 1623 or 1623.1 and have analyzed a minimum of 50 samples using Method 1623 or 1623.1 for the specific procedures that he or she will be using.
- f) The Department may waive the need for the academic training required by this Section, on a case-by-case basis, for highly experienced analysts who hold a high school equivalency certificate~~have passed the GED tests~~.
- g) The Department may waive the need for the college education and training required by this Section, on a case-by-case basis, for supervisors of microbiology laboratories that analyze only samples from drinking water systems with which the laboratory is associated. The supervisor shall have a minimum of 10 years experience in water microbiology and shall have demonstrated a working knowledge of Quality Assurance activities as justification for the waiver.
- h) The Department may waive college education in lieu of experience for a parasitology supervisor or analyst who has greater than 10 years experience of protozoan identification duties.
- i) If a waiver is granted, the Department will prepare a written and signed justification for the waiver.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 465.360 Methodology

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A laboratory shall be certified for all analytical methods listed [in subsection \(a\) below](#) that it uses for compliance purposes. At a minimum, the laboratory shall be certified for one total coliform method and one fecal coliform or E. coli method. In addition, for laboratories that may enumerate heterotrophic bacteria (as measured by the Heterotrophic Plate Count) for compliance with the Surface Water Treatment Rule (SWTR), the laboratory shall be certified for either the Pour Plate Method or the SimPlate method for heterotrophic bacteria.

- a) The following methodology, as specified in the listed references, shall be followed for individual parameters:

Method References

Methodology Category	Method	Method Citations				
		RTCR ^{6,7} (Detect)	SWTR ⁶ (Count)	LT2 ESWTR ⁶ (Count)	New Main Construction ^{2,9} (Detect)	GWR ^{2,9} (Detect)
Total Coliforms						
Lactose fermentation methods	Standard Total Coliform Fermentation Technique (LTB→BGLB Broth)	9221B.1,B.2 ^{1,2} 9221B.1.B.2-99 ⁴	9221A,B,C ^{1,2} 9221A,B,C-99 ⁴		9221A,B.1 ^{1,2} 9221A,B.1-99 ⁴	
	Presence-Absence (P-A) Coliform Test (P-A Broth → BGLB Broth)	9221D.1, D.2 ^{1,2} 9221D.1,D.2-99 ⁴				
Enzyme substrate methods	Colilert [®] or Colilert-18 [®]	9223B ^{1,2} 9223B-97 ⁴	9223B ³ 9223B-97 ⁴			
	Colisure [®]	9223B ^{1,2} 9223B-97 ⁴				
	Readycult [®]	⁹				
	E*Colite [®]	⁹				

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	Modified Colitag™	9				
Membrane filtration methods	Standard Total Coliform Membrane Filter Procedure (M-Endo or LES-Endo → LTB, BGLB Broth)	9222B ^{1,2} 9222B-97 ⁴	9222A,B ^{1,2} 9222A,B-97 ⁴			
	Standard Total Coliform Membrane Filter Procedure (M-Endo)				9222B,.1 9222B.2.a,b,c,d,e ^{1,2}	
	MI Medium	Method 1604	Method 1604			
	m-ColiBlue24®	9				
	TECTA EC/TC	9				
Fecal Coliforms						
Fermentation broth methods	A-1 broth (from mFC → LTB→A-1 broth)		9221E ³ 9221E--99 ⁴			
	EC broth (from mFC → LTB→EC broth)		9221E ³ 9221E-99 ⁴			
Membrane filtration methods	mFC		9222D ³ 9222D-97 ⁴			
Escherichia coli						

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Enzyme substrate methods	Colilert® or Colilert-18®	9223B ^{1,2} 9223B-97 ⁴		9223B ¹		9223B ^{1,2,3}
	Colisure®	9223B ^{1,2} 9223B-97 ⁴				9223B ^{1,2,3}
	E*Colite®	9				9
	Readcult®	9				9
	Modified Colitag®	9				9
Escherichia coli procedure following lactose fermentation methods	EC-MUG medium	9221F.1 ^{1,2}				9221F ³
Escherichia coli partition method	EC broth with MUG (EC-MUG)	9222G.1c(2) ^{1,2}		9222G.1c(2) ¹		
	NA-MUG medium	9222G.1c(1) ^{1,2}		9222G.1c(1) ¹		9222G.1c(1) ¹
Membrane filtration methods	MI Medium	Method 1604		Method 1604		Method 1604
	m-ColiBlue24®	9		9		9
	Chromocult®	9				
Heterotrophic Bacteria						
Heterotrophic Plate Count	Pour plate method		9215B ³			
Multiple enzyme substrate method	SimPlate®		9			
Cryptosporidium	Filtration/IMS/FA			Method 1623 ⁸ , Method 1623.1 ⁸		

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- 1 Standard Methods for the Examination of Water and Wastewater, 20th edition.
 - 2 Standard Methods for the Examination of Water and Wastewater, 21st edition.
 - 3 Standard Methods for the Examination of Water and Wastewater, 22nd edition.
 - 4 Standard Methods for the Examination of Water and Wastewater, online version; the year in which each method was approved by the Standard Methods Committee is designated by the last two digits following the hyphen in the method number. The methods listed are the only online versions that may be used.
 - 5 "Manual for the Certification of Laboratories Analyzing Drinking Water".
 - 6 RTCR = Revised Total Coliform Rule (40 CFR 141.852), SWTR=Surface Water Treatment Rule (40 CFR 141.74(a)), New Main Construction (see 35 Ill. Adm. Code 652.203(b)). GWR = Ground Water Rule (40 CFR 141.402), LT2ESWTR = Long Term 2 Enhanced Surface Water Treatment Rule (40 CFR 141.704 and 40 CFR 141.705).
 - 7 The laboratory shall use the same technique for E. coli analysis that the laboratory is certified to use for drinking water under 40 CFR 141.74 (e.g., membrane filtration, multiple-well, multiple-tube).
 - 8 Supplement 2 to the 5th edition of the Manual for the Certification of Laboratories Analyzing Drinking Water, November 2012.
 - 9 See Section 465.125.
- b) Laboratories shall perform parallel testing between a newly approved test and another EPA-approved procedure for enumerating total coliforms. The laboratory shall conduct at least 25 parallel tests between methods using waters normally tested. Results between methods shall vary by less than 10%.
- c) Water samples shall be shaken vigorously at least 25 times in a complete up and down or back and forth movement.
- d) Sample volume analyzed for total coliforms in drinking water shall be 100 mL.
- e) Aseptic practices shall be used for all microbiological procedures.
- f) All samples shall be handled as though they are positive and have the potential to contaminate other samples if handled improperly. All spills shall be promptly disinfected.
- g) Fermentation broth methods. The water level of the water bath shall be above the upper level of the medium in the culture tubes.

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- h) Multiple tube fermentation technique (for detecting total coliforms in drinking water and enumerating total coliforms in source water):
- 1) For drinking water samples: Various testing configurations can be used (Standard Methods 9221B), as long as a total sample volume of 100 mL is examined for each test.
 - 2) For source water samples: Laboratories shall use at least three series of five tubes each with appropriate sample dilutions of source water (e.g., 0.1 mL, 0.01 mL, 0.001 mL).
- i) Media
- 1) Lauryl tryptose broth (LTB) (also known as lauryl sulfate broth) shall be used in the presumptive test and 2% brilliant green lactose bile broth (BGLBB) in the confirmed test. Lactose broth (LB) may be used in lieu of LTB (40 CFR 141.21(O)(3)) if the laboratory conducts at least 25 parallel tests between this medium and LTB using the waters normally tested, and if this comparison demonstrates that the false positive rate and false negative rate for total coliforms, using LB, is less than 10%. This comparison shall be documented and the records retained. The final pH shall be 6.8 ± 0.2 for LTB, and 7.2 ± 0.2 for 2% BGLBB.
 - 2) The test medium concentration shall be adjusted to compensate for the sample volume so that the resulting medium after sample addition is single strength. If a single 100-mL sample volume is used, the inverted vial shall be replaced with an acid indicator (bromocresol purple) to prevent problems associated with gas bubbles in large inverted tubes. The media shall be autoclaved at 121°C for 12 to 15 minutes.
 - 3) Sterile media in tubes shall be examined to ensure that the inverted vials, if used, are free of air bubbles and are at least one-half to two-thirds covered after the water sample is added.
 - 4) After the medium is inoculated, it shall be incubated at $35^{\circ} \pm 0.5^{\circ}\text{C}$ for 24 ± 2 hours. If no gas or acid is detected, it shall be incubated for another 24 hours (total incubation time 48 ± 3 hours).

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- 5) Each 24- and 48-hour tube that contains growth, acid, or gas shall be confirmed using 2% BGLBB. A completed test is not required.
 - 6) For drinking water samples: Each total coliform positive sample shall be tested for the presence of either fecal coliforms or E. coli.
- j) Invalidation of total coliform-negative samples
- 1) For drinking water samples: All samples that produce a turbid culture (i.e., heavy growth) in the absence of gas/acid production, in LTB or LB, shall be invalidated. The laboratory shall collect, or request that the system collect, another sample from the same location as the original invalidated sample within 24 hours. Before invalidation, the laboratory may perform a confirmed test and/or a fecal coliform/E. coli test on the total coliform-negative culture to check for coliform suppression. If the confirmed test is coliform positive or fecal coliforms/E. coli are detected, the sample shall be reported as such. A fecal coliform/E. coli-positive result is considered a total coliform positive, fecal coliform/E. coli-positive sample, even if the presumptive or confirmed total coliform test is negative. If the follow-up test or tests are negative, the sample shall be invalidated because high levels of non-coliform bacteria in the presumptive tubes may have injured, killed, or suppressed the growth of any coliforms in the sample.
 - 2) For source water samples: All samples that produce a turbid culture (i.e., heavy growth) in the absence of gas/acid production, in LTB or LB, shall be invalidated. The laboratory shall collect, or request that the system collect, another sample from the same location as the original invalidated sample. Before invalidation, the laboratory may perform a confirmed test on the total coliform-negative culture. If the confirmed test is total coliform positive, the most probable number shall be reported. If the test is total coliform negative, the sample shall be invalidated.
- k) Enzyme (chromogenic/fluorogenic) substrate tests
- 1) For detecting total coliforms and E. coli in drinking water samples, a laboratory may use the MMO-MUG test (Colilert), Colisure test, E*Colite test, ReadyCult Coliforms 100 Presence/Absence Test, or Modified Colitag™ test. These tests, known as enzyme substrate tests, may be available in various configurations. For enumerating total coliforms in

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source water, a laboratory may use the Colilert test. If a laboratory uses a fermentation method to detect total coliforms in drinking water, and the sample is total coliform positive, the laboratory may transfer the positive culture to the EC+MUG test to detect E. coli, but not to any other enzyme substrate test medium in this Section.

- 2) Media shall not be prepared from basic ingredients, but rather from a commercially available source.
- 3) Media shall be protected from light.
- 4) Some lots of enzyme substrate media have been known to fluoresce. Each lot of medium shall be checked before use with a 365-366 nm ultraviolet (UV) light with a 6-watt bulb. For checking Colilert, Colilert-18, Colisure, ReadyCult, and Modified ColitagTM media, a packet of medium shall be dissolved in sterile water in a non-fluorescing vessel. If the medium exhibits faint fluorescence, the laboratory shall use another lot that does not fluoresce.
- 5) If the samples plus the medium exhibit an inappropriate color change before incubation, they shall be discarded and another lot of medium used. The laboratory shall notify the medium vendor and request another water sample from the water system. Before incubation, Colilert, Colilert-18, and Modified ColitagTM shall appear colorless to a slight tinge of color, while Colisure and E*Colite are yellow and ReadyCult shall appear slightly yellow.
- 6) Glass and plastic sample bottles and test tubes shall be tested before use with a 365-366 nm UV light source with a 6-watt bulb to ensure that they do not fluoresce. If they fluoresce, another lot of containers that do not fluoresce shall be used.
- 7) Incubators, especially small low-wattage air-type incubators, may not bring a cold 100 mL water sample or samples to the specified incubation temperature for several hours. The problem may cause false negative results with the enzyme substrate tests and possibly other tests as well. Laboratories with air-type incubators shall observe the following instructions for chromogenic/fluorogenic substrate test:

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Test	Pre-incubation sample instructions 1,2
Colilert (Presence/Absence)	Specified 24-hour incubation time includes time it takes to bring sample temperature up to 35° ± 0.5° C ¹
Colilert Quanti-Tray	Specified 24-hour incubation time includes time it takes to bring sample temperature up to 35° ± 0.5° C
Colilert-18 (Presence/Absence)	Prewarm sample in 35° ± 0.5° C water bath for 20 minutes or 44.5° C for 7-10 minutes
Colilert-18 Quanti-Tray	Allow sample to equilibrate to room temperature (20-30° C) before beginning 18-hour incubation time
Colisure	Allow sample to equilibrate to room temperature (20-30° C) before beginning 24-hour incubation time
Readycult Coliforms	Specified 24-hour incubation time includes time it takes to bring sample temperature up to 35° ± 0.5° C or 36° ± 1° C
Modified Colitag TM	Specified 24-hour incubation time includes time it takes to bring sample temperature up to 35° ± 0.5° C

¹ If the laboratory plans to put a large load into a small incubator, samples shall be brought to room temperature before incubation.

² Information based on manufacturer's instructions.

- 8) If a water bath is used, the water level shall be above the upper level of the medium.
- 9) For E. coli testing, the laboratory shall place all total coliform-positive samples under an ultraviolet lamp (365-366 nm, 6-watt) in a darkened area. If E. coli is present, the medium will emit a blue fluorescence.
- 10) The enzyme substrate tests shall not be used to confirm a presumptive total coliform-positive result that was obtained in fermentation broth (e.g., LTB, LB) or on a membrane filter.

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- 11) Any sample that produces an atypical color change (e.g., greenish black or black) in the absence of a yellow color shall be invalidated.
- 12) Any reference comparator provided by the manufacturer shall be discarded by the manufacturer's expiration date.
- 13) For the Colilert test, samples shall be incubated at $35^{\circ} \pm 0.5^{\circ}$ C for 24 hours. A yellow color in the medium equal to or greater than the reference comparator indicates that the sample is total coliform positive. If the sample is yellow, but lighter than the comparator, it shall be incubated for another four hours (do not incubate more than 28 hours total). If the color is still lighter than the reference comparator at 28 hours, the sample shall be reported as negative. A coliform-positive sample that fluoresces under an ultraviolet (UV) light indicates the presence of E. coli. Laboratories that use the Colilert-18 test shall incubate samples for 18 hours (up to 22 hours if the sample after 18 hours is yellow, but is lighter than the comparator).
- 14) For enumerating total coliforms in source water with the Colilert test, a 5- or 10-tube configuration, Quanti-Tray, or Quanti-Tray 2000 may be used for each sample dilution tested. Dilution water (if used) may be sterile deionized or sterile distilled water, but not buffered water.
- 15) If the Quanti-Tray or Quanti-Tray 2000 test is used, the sealer shall be checked monthly by adding a dye (e.g., bromcresol purple) to the water. If dye is observed outside the wells, maintenance shall be performed or another sealer shall be used.
- 16) For the Colisure test, samples shall be incubated at $35^{\circ} \pm 0.5^{\circ}$ C for 24 hours. If an examination of the results at 24 hours is not convenient, then results may be examined at any time up to 48 hours. If the medium changes from a yellow color to a red/magenta color, the sample is total coliform positive. A coliform positive sample that fluoresces under a UV light indicates the presence of E. coli.
- 17) For the E*Colite test, samples shall be incubated at $35^{\circ} \pm 0.5^{\circ}$ C for 28 hours. If total coliforms are present, the medium changes from a yellow color to a blue or blue-green color, or a blue color in the corners of the

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bag. If *E. coli* is present, the medium will fluoresce under a UV light. If no fluorescence is observed, the sample shall be re-incubated for an additional 20 hours (for a total incubation time of 48 hours) and again checked for fluorescence. If the medium becomes red, it shall be assumed that a faulty seal has allowed the bactericide (in the third compartment of the bag) to leak into the compartment containing the medium. In this case, the sample shall be discarded and another sample shall be requested.

- 18) For the ReadyCult Coliforms 100 Presence/Absence test, the contents of a snap pack shall be added to a 100-mL water sample, followed by incubation at $35^{\circ} \pm 0.5^{\circ} \text{C}$ or $36^{\circ} \pm 1^{\circ} \text{C}$ for 24 ± 1 hours. If coliforms are present, the medium changes color from a slightly yellow color to blue-green. In addition, if *E. coli* is present, the medium will emit a bright light-blue fluorescence when subjected to a long wave (365-366 nm) UV light. If confirmation of *E. coli* is desired, Kovac's indole reagent shall be added to the broth; the immediate formation of a red ring confirms the presence of *E. coli*.
- 19) For the Modified ColitagTM test, samples shall be incubated at $35^{\circ} \pm 0.5^{\circ} \text{C}$ for 24 ± 2 hours. During incubation, trimethylamine-N-oxide in the Modified ColitagTM medium causes the pH of the medium to increase from 6.2 to 6.8-7.2. A yellow color in the medium indicates the presence of total coliforms. A coliform-positive sample that fluoresces under a UV light indicates the presence of *E. coli*.

- 1) Membrane filter (MF) methods

- 1) For source water samples (SWTR): To optimize counting, appropriate sample dilutions shall be used to yield 20 to 80 total coliform colonies or 20 to 60 fecal coliform colonies for at least one dilution or volume.
- 2) At least one membrane filter and filtration unit sterility check shall be conducted at the beginning and the end of each filtration series by filtering 20 to 30 mL of dilution water through the membrane filter and testing for growth. If the control indicates contamination, all data from affected samples shall be rejected and an immediate resampling shall be requested. A filtration series ends when 30 minutes or more elapse between sample filtrations.

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- 3) Each filtration funnel shall be rinsed after each sample filtration with two or three 20 to 30 mL portions of sterile rinse water to ensure that the entire sample is rinsed off the funnel before the filter is removed. After the filter is removed, the funnel may be rinsed again with two or three 20 to 30 mL portions of sterile rinse water or exposed to UV light with a 254-nm wavelength for at least two minutes to prevent carryover between samples, especially for surface water samples.
 - 4) Absorbent pads shall be saturated with a liquid medium (at least 2 mL of broth) and excess medium removed by decanting the plate.
 - 5) Membrane filters shall be handled with sterile forceps that are sterilized before each use by dipping in 95% ethyl or absolute methyl alcohol and flaming. The membrane filters shall be grasped outside the effective filtration area.
- m) Media used for detecting total coliforms and *E. coli* in drinking water, enumerating total coliforms or fecal coliforms in source water, and detecting *E. coli* in ground water.
- 1) Using M-Endo medium agar or broth (also known as M-Endo broth MF and M-Coliform broth) or LES Endo agar (also known as M-Endo agar LES) for detecting total coliforms in drinking water or enumerating total coliforms in source water: Medium may be used in the single step or enrichment techniques. Ethanol used in the rehydration procedure shall not be denatured. Medium shall be prepared in a sterile flask and brought just to the boiling point with a boiling water bath or, if constantly attended, a hot plate with a stir bar. The medium shall not be boiled. Final pH shall be 7.2 ± 0.2 for M-Endo Agar LES and 7.2 ± 0.1 for M-Endo medium.
 - 2) Using m-ColiBlue24 medium for detecting total coliforms and *E. coli* in drinking water: Ampules of broth shall be inverted two to three times to mix contents before breaking. Then, contents shall be poured evenly over absorbent pad. Unopened refrigerated ampules may be stored in the dark until the expiration date, but shall be discarded earlier if growth is observed. The final pH of the medium shall be 7.0 ± 0.2 .
 - 3) Using MI medium (with or without agar) for detecting total coliforms and *E. coli* in drinking water or enumerating total coliforms in source water:

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Commercially made pre-sterilized bottled MI agar or broth shall not be autoclaved. Bottled agar shall be melted in a boiling water bath or by other processes recommended by the manufacturer. As soon as complete melting has occurred, the medium shall be cooled slightly and immediately poured into sterile plates. Care shall be taken to prevent overheating the agar, as excessive heat destroys the effectiveness of the antibiotic cefsulodin. If dehydrated culture medium is used, it shall be prepared and autoclaved according to the manufacturer's instructions. The agar shall be cooled, freshly prepared filter-sterilized cefsulodin shall be added, and the mixture shall be immediately poured into sterile plates. The final pH of MI agar shall be 6.95 ± 0.2 ; the final pH of MI broth shall be 7.05 ± 0.2 . The preparation and use of MI agar and MI broth are referenced in Section 465.125(a)(4). EPA Method 1604, which can be found online at www.epa.gov/microbes, is identical.

- 4) Chromocult[®] Coliform agar for detecting total coliforms and *E. coli* in drinking water shall not be autoclaved or overheated. The final pH shall be 6.8 ± 0.2 . If a heavy background of heterotrophic bacteria is expected (especially *Pseudomonas* and *Aeromonas* species), cefsulodin solution shall be added to the cooled (45° to 50° C) medium (dissolve 10 mg cefsulodin in 2 mL deionized or distilled water, and solution added to 1 L of medium).
- 5) m-FC broth (with or without agar) for enumerating fecal coliforms in source water shall not be autoclaved. The medium shall be brought just to the boiling point. The final pH shall be 7.4 ± 0.2 .
- 6) When stored, prepared medium shall be refrigerated. Petri dishes containing medium shall be stored in a plastic bag or tightly closed container, and used within two weeks. Before use, refrigerated sterilized medium shall be brought to room temperature. Plates with laboratory-prepared broth medium shall be discarded after 96 hours, poured MF agar plates discarded after two weeks, and ampuled M-Endo broth and other prepared media discarded in accordance with the manufacturer's expiration date. Broth, plates, or ampules shall be discarded earlier if growth or (for M-Endo agar) surface sheen is observed. The date and time prepared shall be recorded.
- 7) Incubation conditions and colony color of inoculated medium

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Medium	Incubation	Total coliforms ¹	E. coli
M-Endo medium or M-Endo agar LES	35° ± 0.5° C for 22-24 hrs	Metallic (golden) sheen colonies (presumptive)	N/A
m-ColiBlue24	35° ± 0.5° C for 24 hrs	Red colonies	Blue to purple colonies
MI	35° ± 0.5° C for 24 ± 2 hrs	Fluorescent colonies under UV light	Blue colonies under normal light
Chromocult	36° ± 1° C for 24 ± 1 hrs	Salmon to red colonies	Dark-blue to violet colonies ²
m-FC	44.5° ± 0.2° C for 24 ± 2 hrs	N/A	Blue colonies (fecal coliforms)

¹ Without the presence of E. coli. If an E. coli colony is present, as indicated by the last column, it shall be counted as a total coliform-positive colony.

² If confirmation of E. coli is desired, add one drop of Kovac's reagent shall be added to each dark blue to violet colony; the formation of a cherry-red color within seconds confirms the presence of E. coli.

- n) Invalidation of a total coliform-negative drinking water sample: All samples resulting in confluent or TNTC (too numerous to count) growth shall be invalidated unless total coliforms are detected. If no total coliforms are detected, the sample shall be recorded as "confluent growth" or "TNTC" and an additional sample shall be requested from the same sampling site. Confluent growth is defined as a continuous bacterial growth covering the entire membrane filter without evidence of total coliform type colonies. TNTC is defined as greater than 200 colonies on the membrane filter in the absence of detectable coliforms. Laboratories shall not invalidate samples when the membrane filter contains at least one coliform type colony (i.e., sheen colony for M-Endo medium, red or blue colony for m-ColiBlue24 agar, fluorescent or blue colony for MI agar, salmon to red or dark blue to violet colonies for Chromocult Coliform agar. Before invalidation, the laboratory shall perform a verification test on the total

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coliform negative culture, i.e., on confluent or TNTC growth, and an E. coli test. If the verification test is total coliform positive, the sample shall be reported as total coliform positive. If the test is total coliform negative, the sample shall be invalidated. An E. coli positive result is considered a total coliform-positive, E. coli positive sample, even if the sample tests negative for total coliform.

- o) Invalidation of source water samples (SWTR): Laboratories shall invalidate any sample that results in confluent growth or TNTC, even when total coliform or fecal coliform colonies are present, because coliform density shall be determined.
- p) For drinking water samples (to verify colonies on Endo-type medium): At least five typical sheen colonies and five nontypical colonies shall be verified using either single strength lactose broth (LB) or lauryl tryptose broth (LTB) and then single strength 2% brilliant green lactose bile broth (BGLBB). Alternatively, sheen colonies may be verified using a cytochrome oxidase and b-galactosidase procedure. Individual colonies can be transferred with a sterile needle or loop, or applicator stick. If no sheen colonies are observed, up to five red questionable sheen colonies and up to five red non-sheen colonies representing different morphological types shall be verified. Alternatively, the entire surface of the membrane filter shall be wiped with a sterile cotton swab, and inoculate the verification media (LTB, then BGLBB) shall be inoculated.
- q) For drinking water samples: Total coliform-positive colonies shall be tested for E. coli. The membrane filter tests approved by USEPA do not require additional media for such a test, except for those using Endo-type medium (M-Endo medium or M-Endo agar LES). USEPA has approved several options for testing a total coliform-positive colony on Endo-type medium for E. coli. When coliforms or EC Medium-MUG is used, the colonies shall be transferred by employing one of the options specified by the Total Coliform Rule at 40 CFR 141.21(f)(5) (see Appendix G of the USEPA Manual for the Certification of Laboratories Analyzing Drinking Water). For the swab technique, a single swab can be used to inoculate a presumptive total coliform-positive culture into three different media, EC-MUG Medium, LTB, and BGLBB, in that order. If Nutrient Agar-MUG is used, the Nutrient Agar-MUG section shall be followed.
- r) For source water samples: Initial total coliform counts shall be adjusted based upon verified data, as in Standard Methods, Section 9222B(5).

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- s) Nutrient Agar-MUG Test (for detection of E. coli in drinking water or ground water)
- 1) Medium shall be autoclaved at 121° C for 15 minutes. MUG may be added to Nutrient Agar before autoclaving. Nutrient Agar-MUG is also available commercially. The final MUG concentration shall be 100 µg/mL. The final pH shall be 6.8 ± 0.2 .
 - 2) Positive and negative controls shall be tested as stated in Section 465.350(d)(9). Control cultures shall be filtered or spot-inoculated onto a membrane filter on M-Endo agar LES or M-Endo broth or agar, and shall be incubated at $35^\circ \pm 0.5^\circ$ C for 24 hours. The filter shall then be transferred to Nutrient Agar-MUG and incubated at 35° C for another four hours. The results shall be read and recorded.
 - 3) The membrane filter containing a coliform colony or colonies shall be transferred from the total coliform medium to the surface of Nutrient Agar-MUG medium. Each sheen colony shall be marked with a permanent marker on the lid. Also, the lid and the base shall be marked with a line to realign the lid if it is removed. A portion of the colony may be transferred with a needle to the total coliform verification test before transfer to Nutrient Agar-MUG or after the 4-hour incubation time. Another method is to swab the entire membrane filter surface with a sterile cotton swab after the 4-hour incubation time on Nutrient Agar-MUG medium, and transfer to a total coliform verification test.)
 - 4) Inoculated medium shall be incubated at $35^\circ \pm 0.5^\circ$ C for 4 hours.
 - 5) The fluorescence shall be checked using an ultraviolet lamp (365-366 nm) with a 6-watt bulb in a darkened area. Any amount of fluorescence in a halo around a sheen colony shall be considered positive for E. coli.
- t) Heterotrophic Plate Count (for enumerating heterotrophic bacteria in drinking water)
- 1) The Pour Plate Method (Standard Methods 9215B) or the SimPlate Method shall be used for determining compliance with 40 CFR 141.74(a)(1) and shall also be used for testing reagent grade water.

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2) Media

Method	Medium	Final pH
Pour Plate	Plate count agar, also known as tryptone glucose yeast agar	7.0 ± 0.2
SimPlate	Multiple enzyme substrate	7.2 ± 0.2

- 3) (For Pour Plate Method) Melted agar shall be tempered at 44°-46° C in a water bath before pouring. Agar temperature control accompanies media from tempering through use. Melted agar shall be held no longer than three hours. Sterile agar medium shall not be melted more than once. The center of media in containers shall be no greater than 2.5 cm from some surface.
- 4) Refrigerated medium may be stored in bottles or in screw-capped tubes for up to three months, or in petri dishes for up to two weeks.
- 5) For most potable water samples, countable plates can be obtained by plating 1.0 mL and/or 0.1 mL volumes of the undiluted sample (dilutions may not be necessary for SimPlate, which has a counting range up to 738/mL). At least duplicate plates per dilution shall be used.
- 6) (For Pour Plate Method) The sample shall be aseptically pipetted onto the bottom of a sterile petri dish. Then at least 10-12 mL of tempered melted (44°-46° C) agar shall be added to each petri dish. The sample and melted agar shall be mixed carefully to avoid spillage. After agar plates have solidified on a level surface, the plates shall be inverted and incubated at 35° ± 0.5° C for 48 ± 3 hours. Plates shall be stacked no more than four high and shall be arranged in the incubator to allow proper air circulation and to maintain uniform incubation temperature. Excessive humidity in the incubator shall be avoided to reduce the possibility of spreader formation on the agar medium. Excessive drying of the agar medium shall also be avoided; agar medium in plates shall not lose more than 15% by weight during 48 hours of incubation. Agar weight loss shall be determined quarterly.
- 7) (For SimPlate Method) Unit Dose (for a single sample): A ~~10.0~~ 10-mL volume of test sample shall be added to a test tube containing dehydrated SimPlate medium. Then the dissolved medium shall be poured onto the

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center of a plate containing 84 small wells (provided by the manufacturer, IDEXX Laboratories, Inc.). Alternatively, ~~9.0~~ 9-mL of sterile diluent (D.I. water, distilled water, or buffered water (Standard Methods, 9050C, 1 a)) can be added to the tube, followed by a ~~1.0~~ 1-mL sample. Then the procedure indicated for the ~~10.0~~ 10-mL sample shall be followed. The mixture shall be distributed evenly to the 84 wells on the plate, and the excess liquid shall be drained into an absorbent pad on the plate. The plate shall then be inverted (the fluid in each well is held in place by surface tension), and incubated for 45-72 hours at $35^{\circ} \pm 0.5^{\circ}$ C. Bacterial density is determined by counting the number of wells that fluoresce under a 365-366 nm UV light, and converting this value to a Most Probable Number using the Unit Dose MPN table provided by the manufacturer. If a ~~10.0~~ 10-mL sample is used, the Unit Dose MPN/mL shall be read directly. If a ~~1.0~~ 1-mL sample is used, then the MPN/mL value shall be corrected by multiplying it by 10.

- 8) (For SimPlate Method) Multiple Dose (for 10 samples of ~~1.0~~ 1-mL each): A 100-mL sterile diluent shall be added to the dehydrated SimPlate medium to reconstitute, and shaken to dissolve. Then a ~~1.0~~ 1-mL test sample shall be pipetted to the center of a plate containing 84 small wells, followed by ~~9.0~~ 9-mL of the reconstituted medium. The plate shall be gently swirled to mix the sample and medium, and the mixture shall be distributed evenly to the 84 wells on the plate. Then the procedure indicated in subsection (t)(7) shall be followed, except that the Multi-Dose table supplied by the manufacturer shall be used to determine the MPN/mL. If a dilution is made during sample preparation, then the MPN/mL value shall be multiplied by the dilution factor.
- 9) (For Pour Plate Methods) Colonies shall be counted manually using a dark-field colony counter. In determining sample count, laboratories shall count only plates having 30 to 300 colonies, except for plates inoculated with 1.0 mL of undiluted sample. Counts less than 30 are acceptable. Fully automatic colony counters are not suitable because of the size and small number of colonies observed when potable water is analyzed for heterotrophic bacteria.
- 10) Each batch or flask of agar shall be checked for sterility by pouring a final control plate. Data shall be rejected if control is contaminated.

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(Source: Amended at 39 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Firearm Concealed Carry Act Procedures
- 2) Code Citation: 20 Ill. Adm. Code 1231
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1231.10	Amendment
1231.20	Amendment
1231.30	Amendment
1231.40	Amendment
1231.50	Amendment
1231.60	Amendment
1231.70	Amendment
1231.80	Amendment
1231.90	Amendment
1231.100	Amendment
1231.110	Amendment
1231.120	Amendment
1231.140	Amendment
1231.160	Amendment
1231.170	Amendment
1231.APPENDIX A	Amendment
1231.APPENDIX B	Amendment
- 4) Statutory Authority: Implementing the Firearm Concealed Carry Act [430 ILCS 66] and authorized by Section 95 of that Act
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments will add a definition for "completed the required training and has been issued a firearm control card by the Department of Financial and Professional Regulation" and "hit the target." The definition of "substantially similar" is being amended. Requires approved instructors to review all informational bulletins within 2 months of their posting on the electronic computer database established for Instructors. Procedures relating to the denial of Instructor applications and suspension of an Instructor's approval have been added. Establishes that the Department shall approve a minimum standardized curriculum, a train-the-trainer instructional program, and an electronic computer database for use by all approved Instructors. Information regarding the submission of training session schedules, training records, military identification, and training certification forms, and electronic signatures has been added. Updates have been made to address law enforcement objections for FCCL applicants and referral to the Concealed Carry

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Licensing Review Board. Procedures for applicants with limited or no access to the web-based application process and non-resident applicants have been added.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Do this rulemaking contain incorporations by reference? No
- 10) Are there any rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The amendments will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed amendments. The submissions must be in writing and directed to:

Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703

217/782-7658
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Concealed carry licensing instructors and law enforcement officials will be affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: Instructors will be required to use the electronic computer database established by the

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Department. At least 72 hours prior to conducting a Department approved standardized training course, the Instructor will submit to the Department the dates, times, and locations of the training sessions. Beginning March 1, 2016, Instructors shall complete and submit all training records via electronic transmission to the Department's electronic database within 72 hours after completion of a training course. Law enforcement officials objecting to an application are required to make reasonable efforts to confirm the identity of the applicant by reviewing full name; date of birth; photographs, if available; and ensure the objection and supporting information relate to the applicant.

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda which this rulemaking was summarized: January 2015

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

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1231
FIREARM CONCEALED CARRY ACT PROCEDURES

SUBPART A: DEFINITIONS

Section
1231.10 Definitions

SUBPART B: INSTRUCTOR AND CURRICULUM APPROVAL

Section
1231.20 Instructor Approval
1231.30 Instructor Approval [Suspension and Revocation](#)
1231.40 Curriculum ~~Approval~~
1231.50 Training Certification

SUBPART C: FIREARM CONCEALED CARRY LICENSURE

Section
1231.60 Issuance of License
1231.70 Objections
1231.80 [Referral to Concealed Carry Licensing](#) Review Board
1231.90 Qualifications for License
1231.100 Application
1231.110 [Nonresident](#)~~Non-Resident~~ Application
1231.120 Renewal
1231.130 Change Requests
1231.140 Fees
1231.150 Prohibited Areas
1231.160 FCCL Suspension [and](#), Revocation ~~and Invalidation~~
1231.170 Appeals

SUBPART D: MISCELLANEOUS

Section
1231.180 Law Enforcement Fingerprinting Registration

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1231.APPENDIX A	Prohibited Area Posting
1231.APPENDIX B	Prior Training Credit
1231.APPENDIX C	Concealed Carry Firearm Training Certification Form (Repealed)

AUTHORITY: Implements the Firearm Concealed Carry Act [430 ILCS 66] and authorized by Section 95 of that Act.

SOURCE: Adopted by emergency rulemaking at 37 Ill. Reg. 15146, effective August 30, 2013, for a maximum of 150 days; adopted at 38 Ill. Reg. 2322, effective December 31, 2013; emergency amendment at 38 Ill. Reg. 9703, effective April 16, 2014, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 38 Ill. Reg. 13410, effective June 10, 2014, for the remainder of the 150 days; emergency amendment at 38 Ill. Reg. 16010, effective July 10, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 19282, effective September 12, 2014; amended at 39 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS

Section 1231.10 Definitions

In addition to the definitions included in this Section, any additional definitions created in Section 5 of the Act apply.

"Act" means the Firearms Concealed Carry Act [430 ILCS 66].

"All Applicable State and Federal Laws Relating to the Ownership, Storage, Carry and Transportation of Firearms Instruction" means, at a minimum, instruction on the Act in its entirety, with emphasis on Sections 10(h) and 65 of the Act; the Firearm Owner Identification Card Act [430 ILCS 65]; relevant portions of the Criminal Code of 2012, including but not limited to, use of force in defense of a person [720 ILCS 5/7-1], use of force in defense of dwelling [720 ILCS 5/7-2], use of force in defense of other property [720 ILCS 5/7-3], and unlawful use of a weapon [720 ILCS 5/Art. 24].

"Application Verification Document" means the documents electronically generated by the Department upon submission of a completed Firearms Instructor Approval Application, which authorizes the Department to verify the answers given and confirm the validity of the information provided.

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"B-27 Silhouette Target" means any target that complies with the National Rifle Association of America B-27 50 Yard nonscaled Target Specifications that measures 24 inches by 45 inches.

"Basic Principles of Marksmanship Instruction" means, at a minimum, instruction on stance, grip, sight alignment, sight picture and trigger control.

"Care, Cleaning, Loading and Unloading of a Concealable Firearm Instruction" means, at a minimum, instruction on gun identification, ammunition identification and selection, safety and cleaning protocols, cleaning equipment, and firearms loading and unloading.

"CCLRB" means the Concealed Carry Licensing Review Board.

"Completed the Required Training and Has Been Issued a Firearm Control Card by the Department of Financial and Professional Regulation", for purposes of Section 75 of the Act, means that, at the time of application or renewal, the applicant has an active firearm control card and is current with all on-going training requirements established for the card.

"Department" means the Illinois Department of State Police.

"FCCL" means Firearms Concealed Carry License issued pursuant to the Act.

"Firearms Safety Instruction" means, at a minimum, instruction on the four basic firearms handling safety rules, home storage, vehicle storage and public storage.

"FOID Act" means the Firearm Owner's Identification Card Act [430 ILCS 65].

"Four Basic Firearms Handling Safety Rules" means:

Keep the firearm pointed in a safe direction and never at anything the shooter is not willing to destroy;

Keep finger off the trigger until the sights are aligned on target and the shooter is ready to shoot and do not press on the trigger unless the shooter intends to fire;

Treat all guns as though they are always loaded; and

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Know the target and what lies beyond the target.

~~For purposes of Section 75(e) of the Act, "hit the target" shall mean hit the scoring area of the B-27 Silhouette Target.~~

"Hit the Target" means fired bullets hit within the scoring rings numbered from X to 7 of the B-27 Silhouette Target. Only shots within the rings numbered 7, 8, 9 and X will count as a hit.

"Illinois Resident" means a person who qualifies for an Illinois driver's license, other than a Temporary Visitor's Driver's License (TVDL), or an Illinois State identification card due to his or her establishment of a primary domicile in Illinois.

"In Person" means during a live, face-to-face interaction and not via video conference, webinar or any other electronic media, except that pre-recorded materials may be used by an Instructor~~instructor~~ during a live presentation.

"Law Enforcement Official" means an employee of a government agency who:

is authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or incarceration of any person for any violation of law;

has statutory powers of arrest or custodial detention;

is authorized by the agency to carry a firearm while on duty;

is not the subject of any disciplinary action by the employing agency that could result in termination;

meets the standards established by the agency that require the employee to regularly qualify in the use of a firearm; and

is not prohibited by federal law from possessing a firearm.

"LEADS" means the Illinois Law Enforcement Agencies Data System maintained by the Department. It is a statewide, computerized telecommunications system

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designed to provide services, information and capabilities to the Illinois law enforcement and criminal justice community.

"NICS" means the National Instant Criminal Background Check System maintained by the Federal Bureau of Investigation.

"NLETS" means the National Law Enforcement Telecommunications System.

"Public Storage" means storage at publicly-owned location, for example in a storage locker provided by a public or government facility, which may or may not have its own storage rules or protocols.

"Substantially Similar" means the comparable state regulates who may carry firearms, concealed or otherwise, in public; prohibits all who have been involuntarily committed to a mental health treatment facility for mental health treatment from obtaining or possessing firearms, in accordance with federal law; and either:

maintains a database of individuals who have voluntarily admitted themselves into a mental health treatment facility for mental health treatment within the last 5 years; or

upon the request of an individual, allows, or does not prohibit, the submission to the Department of a sworn statement from a licensed mental health professional verifying that the individual has not voluntarily admitted himself or herself into a mental health treatment facility for mental health treatment within the last 5 years.~~prohibits all who have involuntary mental health admissions, and those with voluntary admissions within the past 5 years, from carrying firearms, concealed or otherwise, in public; reports denied persons to NICS; and participates in reporting persons authorized to carry firearms, concealed or otherwise, in public through NLETS.~~

"United States Armed Forces" shall, for purposes of Section 75 of the Act, include all branches of the U.S. Military (Army, Air Force, Coast Guard, Marine Corps and Navy), as well as the Federal Reserve Components (Army, Navy, Air Force, Marine Corps and Coast Guard) and National Guard (Army and Air).

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"Valid Driver's License" or "Valid State Identification Card" means current and not suspended, revoked, expired, cancelled, invalidated, denied or disqualified. It does not include a temporary visitor's driver's license (TVDL).

"Valid Firearms Instructor Certification" means certification as:

a current Law Enforcement Firearms Instructor; or

a Firearms Instructor qualified to teach either handgun safety or a handgun training course that requires in-person classroom or lecture sessions totaling at least 3 hours and a live handgun firing component that was issued by:

a law enforcement entity;

a State or federal government entity (e.g., Military, Coast Guard, etc.);

the Illinois Law Enforcement Training Standards Board;

the National Rifle Association of America (NRA); or

any other entity recognized by at least 3 state or federal government agencies-as being qualified to provide education and training in the safe and proper use of firearms that maintains a program or process to certify Instructors~~instructors~~.

"Weapons Handling Instruction" means, at a minimum:

handgun fundamentals;

handgun concealment;

live fire qualification instruction; and

live fire qualification with a concealable firearm using a B-27 silhouette target consisting of a minimum of 30 rounds and 10 rounds from a distance of 5 yards, 10 rounds from a distance of 7 yards and 10 rounds from a distance of 10 yards.

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"Within a Vehicle" means within the passenger compartment of a passenger or recreational vehicle or within a lockable container secured to a motorcycle.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART B: INSTRUCTOR AND CURRICULUM APPROVAL

Section 1231.20 Instructor Approval

- a) Applicants for Concealed Carry Firearm Instructor (Instructor) approval shall ~~meet the requirements of Section 80 of the Act and shall maintain:~~
- 1) ~~be subject to Section 35 of the Act;~~
 - 2) ~~meet the requirements of Section 80 of the Act;~~
 - 3) ~~maintain a~~ valid Firearm Owner's Identification (FOID) Card or, if an out-of-state resident, the applicant must meet all of the eligibility requirements to obtain a FOID Card other than Illinois residency (see 20 Ill. Adm. Code 1230); and
 - 4) ~~maintain, after~~~~After~~ April 16, 2014, a valid FCCL, unless the applicant is not required to possess an FCCL to conceal and carry handguns in Illinois, or, if the applicant is an out-of-state resident not from a substantially similar state, that person shall provide proof to the Department upon request that he or she is not required to possess an FCCL to conceal and carry handguns in Illinois, or that he or she is eligible to carry under the laws of his or her state or territory of residence.
- b) Application to be a Concealed Carry Firearms Instructor shall be made by first submitting a full set of fingerprints to the Department in an electronic format using a Live Scan Vendor licensed by the Department of Financial and Professional Regulation or a law enforcement agency registered by the Department. Manual fingerprints will not be accepted.
- c) Upon receiving a Live Scan Fingerprint Transaction Control Number (TCN) from the Licensed Live Scan Vendor or law enforcement agency registered by the Department, the applicant shall electronically complete and submit the

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Department's Concealed Carry Firearms Instructor Approval Application (Application), available on the Department's website at www.isp.state.il.us.

- d) The Application must be complete and accurate. Incomplete Applications will not be accepted or processed. Upon receipt of an incomplete Application, the Department shall notify the ~~Instructor~~~~instructor~~ applicant and advise what information is missing. If an ~~Instructor~~~~instructor~~ applicant has not provided the missing information in response to the Department's notification within 60 days after notice from the Department, the Application shall be denied.
- e) Applicants must have read the Act in its entirety and understand the rules and requirements of this Part.
- f) Applicants must meet all of the requirements of Section 30 of the Act.
- g) Approved Instructors must review all informational bulletins within 2 months after their posting on the electronic computer database established for Instructors by the Department. Upon completing and submitting the Application electronically, the applicant must print the Application Verification Document, sign it, have it notarized, attach the required Valid Firearms Instructor Certifications, and submit the Certification documents to:

~~Illinois State Police
Concealed Carry Firearms Instructor Approval
P.O. Box 19333
Springfield IL 62724~~
- h) Once an Instructor application is denied and the Department issues a letter of denial, the applicant may appeal the denial to the Director of the Department and present evidence that the facts surrounding his or her application that resulted in the denial do not support the Department's decision.
 - 1) If the Director determines that approval of the Instructor's application is proper, the applicant will be approved. If approved, the applicant will be notified in writing and the name of the applicant will be added to the registry of approved Instructors.
 - 2) If the Director determines that the denial was warranted and that the Instructor's application should not be approved, the applicant will be

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notified in writing of the decision, and the applicant may request a formal administrative hearing pursuant to Section 1231.170(c).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1231.30 Instructor Suspension and Approval Revocation

- a) Revocation or expiration of either the FOID Card or FCCL shall result in the immediate revocation of the Instructor's approval.
- b) The Department may: ~~revoke an Instructor's approval upon receiving substantiated information that the Instructor is not teaching the curriculum in a manner consistent with Section 75 of the Act.~~
 - 1) suspend an Instructor's approval for up to 90 days, upon opening an investigation into, and determining reasonable suspicion exists supporting, that the Instructor is not in compliance with the Act or this Part, pending the outcome of an investigation; or
 - 2) suspend an Instructor's approval for failure to review informational bulletins posted on the electronic computer database established for Instructors by the Department; or
 - 3) revoke an Instructor's approval upon substantiating allegations that the Instructor is not in compliance with the Act or this Part.
- c) The Department may, without providing prior notice, audit an Instructor's scheduled training for purposes of investigating allegations that an Instructor and/or curriculum is not in compliance with the Act and this Part.
 - 1) To facilitate an adequate audit trail, ~~Instructors~~~~instructors~~ shall maintain all records to support any training certification as required by Section 75(f) of the Act, which shall include:
 - A) copies of training certificates currently accepted to satisfy the prior training credit submitted by students; and
 - B) written training rosters that shall include:

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- i) ~~Instructor's~~Instructor's name and CCT number;
 - ii) curriculum name and CCC number;
 - iii) student's full legal name;
 - iv) student's date of birth;
 - v) student's address;
 - vi) student's phone number;
 - vii) total hours attended, broken down to identify hours per topic covered as approved in Section 1231.40;
 - viii) pass/fail live fire qualification indicating at least 70% of hits were within the 7, 8, 9 and X scoring rings of a B-27 target; and
 - ix) an indication of yes/no on issuance of ISP CCL training certificate, which shall serve as proof of completion of training.
- d) Complaints regarding Instructors may be made by contacting the Department (see the Department's website at www.isp.state.il.us).
- e) Upon suspension or revocation of an Instructor's approval, the Instructor's name and suspension or revocation status~~information~~ shall be included on~~removed from~~ the registry of approved Instructors maintained by the Department and available on its website.
- f) Within 90 days after suspending an Instructor's approval, the Department shall reinstate or revoke the Instructor's approval. If an Instructor is suspended for failing to review required informational bulletins, and the Instructor fails to review the required informational bulletins within 90 days after the date of suspension, the suspension will be extended until all informational bulletins are reviewed.

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- gf) Once an Instructor's approval is revoked and the Department issues a letter of revocation to the Instructor, the Instructor may appeal the revocation to the Director of the Department and present evidence that the factors resulting in the revocation have been resolved. ~~If the Director determines that the revocation of approval was not warranted, or that the issues that resulted in revocation have been remedied, the Instructor's approval shall be reinstated, the Instructor shall be notified and the name of the Instructor shall be restored to the registry of approved Instructors.~~
- 1) If the Director determines that reinstatement of the Instructor's approval is proper, or that the issues that resulted in revocation have been remedied, the Instructor's approval shall be reinstated, the Instructor shall be notified in writing, and the name of the Instructor shall be restored to the registry of approved Instructors.
 - 2) If the Director determines that the revocation of approval was warranted, the Instructor shall be notified in writing and the Instructor may request a formal administrative hearing pursuant to Section 1231.170(c).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1231.40 Curriculum ~~Approval~~

- a) No later than January 1, 2016, the Department shall approve a minimum standardized curriculum that it shall make available for use by all approved Instructors. Application for curriculum approval shall be made by completing and submitting a Request for Approval of a Concealed Carry License Firearms Curriculum form, which is available on the Department's website.
- b) No later than January 1, 2016, the Department shall create and make available to all approved Instructors a train-the-trainer instructional program regarding the minimum standardized curriculum. The application must be complete, accurate, signed, and notarized. If the application is not completed properly, it will be returned to the applicant and will not be processed.
- e) The applicant shall verify that the proposed curriculum meets the requirements set forth in the Act and that the course will be taught in person, as described in this Section.

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- cd) ~~The minimum standardized curriculum~~~~Training necessary~~ for ~~training pursuant to Section 75 of the Act~~~~issuance of the FCCL~~ shall consist of 16 hours of classroom and firearm training. ~~Any firearm training involving the live discharge of a firearm shall be limited to 6 students per Instructor.~~ Pursuant to Section 75(g), (h) and (i) of the Act, fewer hours of training, or no additional training, will be acceptable in certain instances (see Appendix B) indicating prior firearms training.
- 1) ~~The 12 or~~A 16 hour standardized training curriculum shall~~course must~~, at a minimum, cover the following topics:
 - A) Firearms Safety – a minimum of 1 hour;
 - B) Basic Principles of Marksmanship – a minimum of 1 hour;
 - C) Care, Cleaning, Loading and Unloading of a Concealable Firearm – a minimum of 1 hour;
 - D) All Applicable State and Federal Laws Relating to the Ownership, Storage, Carry and Transportation of a Firearm and appropriate and lawful interaction with law enforcement while transporting or carrying a concealed firearm – a minimum of 2 hours; and
 - E) Weapons Handling – a minimum of 1 hour.
 - 2) ~~The~~~~An~~ 8 hour standardized training curriculum shall~~course must~~, at a minimum, cover the following topics:
 - A) All Applicable State and Federal Laws Relating to the Ownership, Storage, Carry and Transportation of a Firearm and appropriate and lawful interaction with law enforcement while transporting or carrying a concealed firearm – a minimum of 2 hours; and
 - B) Weapons Handling – a minimum of 1 hour.
 - 3) For the topics to be included in the 16 hour and 8 hour training courses, the minimum hours established in this subsection (d) have been determined to be sufficient for the experienced shooter and shall be adjusted upward by the approved Instructor~~instructor~~ based upon the skill

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level of those to be trained to ensure proficiency by all upon the completion of the required training component.

- de) ~~The~~ A 3 hour standardized licensure renewal curriculum shall~~course must~~, at a minimum, cover the following topics:
- 1) Two hours to cover:
 - A) any updates to Illinois or federal firearms laws governing concealed carry in Illinois;
 - B) updates in the Criminal Code Sections listed in Section 1231.10; and
 - C) appropriate and lawful interaction with law enforcement while transporting or carrying a concealed firearm; and
 - 2) One hour of instruction to include a live fire qualification with a concealable firearm using a B-27 silhouette target consisting of a minimum of 30 rounds and 10 rounds from a distance of 5 yards, 10 rounds from a distance of 7 yards and 10 rounds from a distance of 10 yards.
- ef) Effective March 1, 2016, the Department approved standardized training curriculum shall be taught by approved Instructors for training credit under Section 75 of the Act.~~The Department may request a complete course outline and instructional notes or any additional course related information from the applicant. If the applicant refuses the request, the application will be deemed incomplete and returned to the applicant.~~
- fg) ~~The~~~~Once approved by the~~ Department approved standardized,~~the~~ curriculum may only be taught by an Instructor approved by the Department under Section 1231.20 who is listed on the registry of approved Instructors.
- h) ~~Upon receiving substantiated information that a curriculum is not consistent with Section 75 of the Act, the Department may remove that curriculum from the list of approved curriculums maintained on the Department's website.~~

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- i) ~~Once a curriculum is removed from the list of approved curricula, the decision to remove the curriculum from the list may be appealed to the Director of the Department and evidence must be presented that the factors resulting in the revocation have been resolved. If the Director determines that the removal of the curriculum from the list was not warranted, or that the issues that resulted in that removal have been remediated, the curriculum approval shall be reinstated to the list.~~

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1231.50 Training Certification

- a) Effective March 1, 2016, the Instructor shall begin using the electronic computer database established by the Department. After March 1, 2016, approved Instructors shall, at least 72 hours prior to conducting a Department approved standardized training course for purposes of issuing a Concealed Carry Firearms Training Certification, submit to the Department the dates, times and locations of the training sessions.
- ba) Approved Instructors shall complete for FCCL applicants the Department's Concealed Carry Firearms Training Certification form, which is available on the Department's website.
- cb) The Certification form shall only be completed for those FCCL applicants who the Instructor trained in person for whom the Instructor can verify:
- 1) successful completion of the appropriate Department approved curriculum; or
 - 2) that the FCCL applicant has already successfully completed training through a Department approved curriculum.
- de) On the Certification form, the Instructor shall:
- 1) certify the number of hours the FCCL applicant successfully completed; and
 - 2) provide the unique identification number assigned by the Department to the approved curriculum and the Instructor.

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- ed) For those FCCL applicants who provided proof of up to 8 hours of training already completed toward the 16 hours training, the Instructor shall:
- 1) verify the aggregate number of hours for which the FCCL applicant provided proof of instruction in Firearms Safety, Basic Principles of Marksmanship, and Care, Cleaning, Loading and Unloading of a Concealable Firearm, based upon a list provided by the Department of accepted training courses, and provide the necessary additional hours of training to equal 16 hours total;
 - 2) certify whether the FCCL applicant successfully completed the 8 hours training required by Section 1231.40; and
 - 3) identify which prior training credits the Instructor verified, as identified on the Department's Concealed Carry Firearm Training Certification form.
- fe) The Instructor may certify up to 8 hours of prior training, consistent with Section 75 of the Act. The prior training may be substituted for no more than the following number of hours in any of the topics required by Section 1231.40(d)(2):
- 1) Firearms Safety – a maximum of 2 classroom hours;
 - 2) Basic Principles of Marksmanship – a maximum of 3 classroom and range hours; and
 - 3) Care, Cleaning, Loading and Unloading of a Concealable Firearm – a maximum of 3 classroom and range hours.
- g) Submission of Training Records
- 1) Beginning March 1, 2016, within 72 hours after completion of a training course, the Instructor shall complete and submit all training records (e.g., training certificates; underlying proof of any statutorily permitted prior training for which credit is being granted), consistent with the training requirements of Section 75 of the Act, via electronic transmission to the Department's electronic database established for approved Instructors.

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- 2) If an applicant being trained wishes to submit, as part of his or her required records, his or her military identification card, the Instructor shall not save or submit a copy of the card to the Department. Instead, the applicant shall, within 72 hours after completion of his or her training course, submit a copy of the military identification card directly to the Department via electronic transmission to the applicant's file in the Department's electronic database.
- h) Beginning March 1, 2016, the FCCL application shall not be deemed complete and the provisions of Section 10(e) of the Act shall not apply until the Instructor completes and submits to the Department all necessary training records.
- i) Training Certification forms, including those for renewal applications, may be used as proof of training for one year after the date of issuance.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART C: FIREARM CONCEALED CARRY LICENSURE

Section 1231.60 Issuance of License

- a) An FCCL shall expire 5 years after the date of issuance.
- b) The Department shall, at least 60 days prior to the expiration of an FCCL, forward to the last known address of each person whose FCCL is to expire a notification of the expiration.
- c) The Department shall make applications available via its website no later than January 5, 2014. No later than July 1, 2014, the Department will provide an alternative to the web-based application process for Illinois residents who have limited or no access to the web-based application process.
- d) FCCL applicants who are completing the web-based application process shall utilize the electronic signature technology provided by the Department while applying for an FCCL. ~~must obtain a digital signature through the Department of Central Management Services (see 14 Ill. Adm. Code 105) before applying for an FCCL. The Department will provide a link to the digital signature application through its website.~~

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- e) Applicants submitting fingerprints shall do so electronically by submitting a full set of fingerprints to the Department in an electronic format using a Live Scan vendor licensed by the Department of Financial and Professional Regulation or a law enforcement agency registered by the Department. Manual fingerprints will not be accepted.
- f) Upon receiving a Live Scan Fingerprint Transaction Control Number (TCN) from the licensed Live Scan vendor or law enforcement agency, the applicant shall electronically complete and submit the FCCL to the Department.
- g) The TCN for FCCL applicants will have a unique purpose code for the FCCL application process. Concealed Carry Firearm Instructors may use the TCN previously obtained for the ~~Instructor~~ application process. No other previously obtained TCNs may be used as they will not have the appropriate purpose code.
- h) The database of FCCL applicants maintained by the Department pursuant to Section 10(i) of Act shall be exempt from FOIA pursuant to FOIA Section 7.5(v) [5 ILCS 140/7.5(v)].
 - 1) Persons authorized to access the database shall register with the Department to obtain a unique password granting them secure access to the database.
 - 2) The entity employing persons requesting access to the database shall appoint a person to act as the entity's point of contact and shall enter into an agreement with the Department defining the security protocols of the database and access to the database.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1231.70 Objections

- a) Criminal history background checks for all FCCL applicants will be conducted by the Department. Law enforcement officials who wish to raise an objection to an FCCL applicant shall not use LEADS to run background checks to determine FCCL eligibility.

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- b) Law enforcement officials may submit objections outside of the criminal history background check procedure via an electronic objection process available on the Department's website. Manual submissions and LEADS information will not be accepted. Law enforcement officials submitting an objection shall:
- 1) ~~Law enforcement officials submitting an objection shall~~ provide a narrative outlining the detailed reason for the objection;-
 - 2) ~~Law enforcement officials submitting an objection shall~~ attach any available documentation, other than information obtained from LEADS, supporting their objection; and-
 - 3) make reasonable efforts to confirm the identity of the applicant by reviewing the applicant's full name, date of birth, and photographs, if available, and ensure the objection and supporting information relate to the applicant.
- c) The Department may deny an application based upon a disqualifier identified pursuant to Section 25 of the Act; however, the local law enforcement official shall be permitted to submit objections for the duration of the objection period prescribed by Section 15 of the Act.
- d) If, upon or after receiving an objection from a local law enforcement official, an FCCL applicant is disqualified through the criminal history background check conducted under Section 25 of the Act, the Department will maintain a record of those objections. The objections will not be forwarded to the ~~CCLRB~~Concealed Carry Licensing Review Board for further consideration unless the FCCL applicant is later determined to be qualified through a successful appeal (see Section 1231.170).
- e) A law enforcement agency may withdraw an objection to an application at any time prior to the determination of the CCLRB.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1231.80 Referral to Concealed Carry Licensing Review Board

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- a) The ~~CCLRB~~Concealed Carry Licensing Review Board is part of the criminal justice process responsible for reviewing an FCCL applicant's criminal history record and eligibility pursuant to Section 20 of the Act.
- b) Applicants disqualified pursuant to Section 25 of the Act shall not be referred to the ~~CCLRB~~unless the FCCL applicant is later determined to be qualified through a successful appeal (see Section 1231.170)~~Concealed Carry Licensing Review Board.~~
- c) If the applicant is subject to review pursuant to Section 20 of the Act, the Department will make the results of the applicant's State criminal history background check and federal and out-of-state fingerprint-based criminal history background check, as well as any local law enforcement objections, available to the ~~CCLRB~~Concealed Carry Licensing Review Board.
- d) The ~~CCLRB~~Concealed Carry Licensing Review Board shall provide the Department with its final decision on each applicant in an electronic report authored by the Chairperson of the Board. The report shall include, but not be limited to, the applicant's full name, license application number, and, when the CCLRB determines that the applicant is ineligible for a license, the basis for the CCLRB's determination.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1231.90 Qualifications for a License

- a) Applicants shall meet the requirements of Sections 25 and 30 of the Act, as well as Sections 4 and 8 of the FOID Act, except that nonresident applicants shall be exempt from the Illinois residency requirement of Section 4(a)(2)(xiv) of the FOID Act.
- b) FCCL applicants who are Illinois residents must have a valid FOID Card. Illinois residents who have applied for a FOID Card may apply for an FCCL before the FOID Card is issued. The Department will not approve the FCCL application until the applicant has been issued a FOID Card. If the FCCL applicant's FOID Card application is denied, the FCCL fee is not refundable (see Section 60(a) of the Act).

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- c) The Department shall deny the FCCL application for any FCCL applicant who is prohibited under State or federal law from possessing or receiving a firearm.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1231.100 Application

- a) The application shall include the information required in Sections 25 and 30 of the Act, as well as the information required in Sections 4 and 8 of the FOID Act. The application shall also include the FCCL applicant's citizenship, race, gender, phone number, e-mail address (if available) and state of residence. For Illinois residents, the application shall include the FCCL applicant's driver's license or identification card number and its expiration date.
- b) As part of the application process and pursuant to Section 30(b)(10) of the Act, FCCL applicants must electronically upload proof of compliance with the training requirements of Section 75 of the Act. FCCL applicants exempt from the training requirements of Section 75 of the Act must electronically upload proof of exemption (e.g., official documentation from the employing agency demonstrating that the applicant is an active law enforcement or corrections officer, has completed the required firearms training, and is authorized to carry a firearm; official documentation from the Department approving the Concealed Carry Firearm Instructor's application that includes the Instructor Number; official documentation from the Illinois Law Enforcement Training and Standards Board; information from the Illinois Department of Financial and Professional Regulation that includes the licensee's name, license number and license status; etc.).~~(e.g., training certificates; official documentation from the employing agency demonstrating that the applicant is an active law enforcement or corrections officer, has completed required firearms training, and is authorized to carry a firearm; official documentation from the Department approving the Concealed Carry Firearm Instructor's application that includes the Instructor Number; official documentation from the Illinois Law Enforcement Training and Standards Board; printouts from the Illinois Department of Financial and Professional Regulations' "License Look-up" that includes the licensee's name, license number and license status; etc.)~~ with the training requirements of Section 75 of the Act. For every certificate submitted, FCCL applicants must include the Instructor's name and contact number and the name of the approved curriculum, as well as the unique identification numbers assigned by the Department to the instructor and the curriculum.

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- c) When possible, all~~All~~ documentation required pursuant to Section 30 of the Act, or this Part or requested by the CCLRB shall be submitted to the Department electronically by uploading it as an attachment to the FCCL application. Applicants who have limited or no access to the web-based application process shall contact the Department at (217) 782-7980 to initiate the application process with a customer service representative telephonically and receive further instruction regarding necessary documentation and payment of fees.
- d) FCCL applicants shall select whether they prefer to receive Department notification via e-mail or written notification. If selecting e-mail notifications, applicants shall provide a current e-mail address to the Department as part of the application process and are responsible for checking the e-mail address provided for correspondence from the Department regarding the application.
- e) If any of the FCCL applicant's contact information changes, including but not limited to his or her e-mail address, the FCCL applicant shall amend his or her application to notify the Department of the corrected contact information. Applicants who have limited or no access to the web-based application process shall notify the Department of corrected or updated contact information via telephone at (217) 782-7980.
- f) Upon receipt of an incomplete application, the Department shall notify the FCCL applicant and advise the applicant as to what information is missing. The application shall not be deemed complete and the provisions of Section 10(e) of the Act shall not apply until the FCCL applicant provides a complete application including the requested missing information.
- g) If an FCCL applicant has not provided the missing information in response to the Department's notification within 60 days after notice from the Department, the application shall be denied.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1231.110 Nonresident~~Non-Resident~~ Application

- a) Pursuant to Section 40(b) of the Act, non-resident FCCL applications will only be accepted from persons who reside in a substantially similar state as defined in

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~~Section 1231.10 licensed or permitted to carry firearms, concealed or otherwise, in public, in a substantially similar state.~~

- b) The Department shall post on its website a list of all states determined to be substantially similar.
- c) The Department shall, as part of its process to determine which states are substantially similar, ~~as defined in Section 1231.10~~, to Illinois in their manner of regulating ~~possession or concealed carry~~ of firearms, use information obtained by surveying all other states as to their firearms laws.
- d) A nonresident FCCL applicant who resides in a state that the Department has determined to be substantially similar, and whose state does not maintain a database of individuals who have voluntarily admitted themselves into a mental health treatment facility for mental health treatment within the last 5 years, shall submit to the Department as part of their application a sworn affidavit from a licensed mental health professional, who has knowledge of the applicant's medical history, stating that the applicant does not pose a threat to himself or herself or to others, and has not voluntarily admitted himself or herself into a mental health treatment facility for mental health treatment within the last 5 years. A nonresident applicant granted an FCCL who maintains residence in a substantially similar state that does not maintain a voluntary mental health admission database shall annually submit to the Department an updated sworn affidavit from a licensed mental health professional, who has knowledge of the applicant's medical history, stating that the applicant does not pose a threat to himself or herself or to others, and has not voluntarily admitted himself or herself into a mental health treatment facility for mental health treatment within the last 5 years.
- e) Nonresident~~Non-resident~~ FCCL applicants shall obtain a nonresident~~non-resident~~ eligibility affidavit, as required by the Act, from the Department's website or by contacting a customer service representative at (217) 782-7980.
 - 1) The affidavit must be completed and notarized by all non-resident FCCL applicants.
 - 2) A copy of the affidavit must be submitted as an electronic attachment to the non-resident's FCCL application through the on-line application process.

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- 3) The original affidavit with notary stamp must be retained by the non-resident FCCL applicant and provided to the Department upon request.
- fe) FCCL applicants applying under the non-immigrant visa exception to the FOID Act (see 430 ILCS 65/8(i-5) and ~~Section 20 III. Adm. Code~~ 1231.20(g) of this Part) shall provide a letter from their foreign government stating the purpose for travel to Illinois, the date the applicant's non-immigrant visa expires, and the need for the FOID Card, or a waiver from this provision granted by the U.S. Attorney General.
- gf) All documentation required by Section 40(c) and (d) of the Act, or elsewhere within this Part, shall be submitted to the Department electronically by uploading it as an attachment to the nonresident's~~non-resident's~~ FCCL application. Applicants who have limited or no access to the web-based application process shall contact the Department at (217) 782-7980 to initiate the application process with a customer service representative and receive further instruction regarding necessary documentation and payment of fees.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1231.120 Renewal

- a) All documentation required pursuant to Section 50 of the Act shall be submitted to the Department electronically by uploading it as an attachment to the FCCL renewal application. Applicants who have limited or no access to the web-based application process shall contact the Department at (217) 782-7980 to initiate the renewal application process with a customer service representative and receive further instruction regarding necessary documentation and payment of fees.
- b) FCCL renewal applicants may submit a full set of fingerprints to the Department in an electronic format using a Live Scan vendor licensed by the Department of Financial and Professional Regulation or a law enforcement agency registered by the Department if the renewal applicant did not do so at the time of his or her original FCCL application.
- 1) Renewal fingerprints must comply with the provisions set forth in Section 1231.60.

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- 2) FCCL renewal applicants who submitted fingerprints at the time of their original FCCL application need not submit additional sets of fingerprints upon renewal.
- c) The Department shall grant or deny an FCCL renewal application no later than 90 days after receipt of a completed application, except that the Department is granted by Section 30(b)(8) of the Act 30 days in addition to the 90 days if the applicant has not previously submitted a full set of fingerprints in electronic format.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1231.140 Fees

- a) FCCL applicants shall pay the fee required by Section 60 of the Act, in full, when submitting their application.
- b) All application fees shall be collected using the Illinois State Treasurer's E-Pay program, which is linked to the electronic FCCL application on the DSP website. A convenience fee will be charged in accordance with the Illinois State Treasurer's E-Pay program. Applicants who have limited or no access to the web-based application process and who completed the application with a customer service representative shall provide payment information as directed during the application process.
- c) Application, renewal and replacement fees are non-refundable.
- d) All fees collected for criminal history records checks required by Section 35 of the Act will be collected by the licensed Live Scan Vendors or local law enforcement agencies at the time of fingerprinting and transmitted to the Department for deposit in the State Police Services Fund. A convenience fee may be charged by the licensed Live Scan Vendors or local law enforcement agencies as provided by Section 31-5 of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447/31-5].

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1231.160 FCCL Suspension and, Revocation and Invalidation

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- a) Section 70 of the Act specifies violations resulting in suspension or; revocation ~~or~~ invalidation of an FCCL.
- b) The Department will provide written notice to the licensee of a suspension; or revocation ~~or~~ invalidation.
- c) The license of a person in violation of Section 70(d) or (e) will be suspended for a period of 6 months upon conviction of the second violation and will~~shall~~ be permanently revoked for a third violation.
- d) Surrender/Seizure of an FCCL
 - 1) A person whose FCCL has been revoked or suspended shall surrender the FCCL to the local law enforcement agency where the person resides within 48 hours after receiving notice of the revocation or suspension.
 - 2) If the licensee whose FCCL has been revoked or suspended fails to comply with the requirements of this subsection, the law enforcement agency where the person resides may petition the circuit court to issue a warrant to search for and seize the FCCL.
 - 3) The local law enforcement agency shall provide the licensee a receipt for the revoked or suspended FCCL and transmit the FCCL license to the Department of State Police, within 10 business days.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1231.170 Appeals

- a) Appeals to CCLRB
An individual whose application for an FCCL is denied or whose FCCL is suspended or revoked may petition the Department for relief unless the denial is based upon a determination of the CCLRB. A denial based upon a determination of the CCLRB may be appealed through petition to the circuit court in the county of the applicant's residence, pursuant to Section 87(a) of the Act.
- b) Informal Administrative Review~~Relief~~ Proceeding

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- 1) Individuals who wish to request administrative review~~relief~~ from the Department shall provide written notice to the Department within 60 days after receipt of the notice that their FCCL application is denied or their FCCL is revoked to begin the appeal process.
 - 2) The petitioner must provide to the Department any reasonable documentation requested by the Department related to the request for administrative review~~determination for granting relief~~.
 - 3) Upon receiving complete documentation for the administrative review~~appeal~~, the Department ~~shall~~will investigate the circumstances surrounding the denial or revocation. If the Director ~~determines~~is satisfied that the application was denied or license was revoked in error, the Director shall grant the application or reinstate the license~~substantial justice has not been done through the denial or revocation and that it is not likely that the applicant or any other party will be injured by the granting of the relief, the Director or his or her designee may grant relief~~.
 - 4) The administrative review~~appeal~~ process shall not begin until the Department has received all the necessary documentation.
 - 5) In the event the Director or his or her designee desires additional information concerning the circumstances surrounding the denial or revocation action, the Director may schedule a fact-finding conference with the petitioner or request additional information.
 - 6) The Director or his or her designee may grant the application or reinstate the license~~or deny relief~~ as a result of the fact-finding conference.
 - 7) In an informal administrative review~~relief~~ proceeding, the petitioner may be represented by counsel or present witnesses who have direct knowledge of the circumstances of the denial or revocation and may present any evidence or information relating to the Department's action.
 - 8) If the Department has reason to believe an application was approved or denied in error, the Director or his or her designee may initiate the informal administrative review proceeding with the applicant.
- c) Formal Administrative Hearing

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- 1) If the Director does not provide relief as a result of the investigation or a fact-finding conference, the petitioner may request a formal administrative hearing. The request for hearing must be in writing and sent to the DSP Firearms Services Bureau, Appeals Unit.
 - 2) The administrative law judge (ALJ) for contested hearings shall be an attorney licensed to practice law in Illinois appointed by the Director. The ALJ may be disqualified for bias or conflict of interest.
 - 3) The procedures for the hearing shall be as described in Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and as ordered by the ALJ.
 - 4) In the event relief is denied, a new application from the petitioner will not be accepted until two years have passed since the date of the last denial.
- d) Administrative Review Law
All final administrative decisions of the Department or the CCLRB shall be subject to judicial review under the Administrative Review Law.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART D: MISCELLANEOUS

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Section 1231.Appendix A Prohibited Area Posting

Pursuant to Section 65(d) of the Act, signs must be of a uniform design. The Department has adopted the following sign format. The background is white, with no text, other than the reference to 403 ILCS 66/65, and no other marking within the one-inch area surrounding the graphic design. The graphic design is a handgun in black ink surrounded by a red circle with a diagonal slash across the handgun. ~~The circle shall be 4 inches in diameter.~~ The black rectangle surrounding the image must measure 4 inches tall by 6 inches wide.

The image is available on the DSP website for download.



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(Source: Amended at 39 Ill. Reg. _____, effective _____)

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Section 1231. Appendix B Prior Training Credit

- a) Section 75(g) and (i) of the Act provides that prior handgun training can be substituted for a portion of the training required for an FCCL. The following is a list of training courses that qualify for prior training credit and the amount of credit awarded for each.
- b) It is the responsibility of the Instructor to verify successful completion of prior training and apply credit as listed. Once this credit is combined with additional training hours provided by the Instructor, the Instructor will certify that the 16 hour training requirement was met.
- c) Instructors should inform applicants how much credit they will receive for their prior training and remind them the prior training certificates must be submitted with the FCCL Training Certificate when they apply.
- d) The following are courses for which prior training credit can be awarded. This list will be updated as additional courses are submitted and approved by the Department.

<u>Course Title</u>	<u>Acceptable Credit</u>
Illinois Hunter Safety Course.....	4 hours
Utah Concealed Carry	4 hours
Florida Concealed Carry	4 hours
Nevada Concealed Carry	4 hours
Missouri Concealed Carry	4 hours
Kentucky Concealed Carry	4 hours
Michigan Concealed Carry	4 hours
Chicago Firearms Safety Course	4 hours
NRA Basic Pistol	8 hours
NRA Personal Protection in the Home	8 hours
NRA Personal Protection Outside the Home.....	8 hours
Active, Retired or Honorably Discharged member of the United States Armed Forces	8 hours
Prior Law Enforcement or Corrections Officer Training (see Section 75(j) of the Act)	8 hours

- e) Section 75(g) of the Act requires that any hours remaining after the credit has

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been granted must at least cover the classroom subject matter and range qualifications listed in Section 1231.40(d) and (e)(2).

f) To submit training for recognition by the Department, mail the [basic course outline of the training following items](#) to Illinois State Police, FCCL Prior Credit, Post Office Box 19333, Springfield IL 62794.÷

1) ~~Basic course outline of the training submitted; and~~

2) ~~A letter from another state indicating it recognizes the course.~~

(Source: Amended at 39 Ill. Reg. _____, effective _____)

OFFICE OF THE ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Hospital Financial Assistance under the Fair Patient Billing Act
- 2) Code Citation: 77 Ill. Adm. Code 4500
- 3) Section Number: 4500.APPENDIX A Adopted Action: Amendment
- 4) Statutory Authority: Section 27 of the Fair Patient Billing Act [210 ILCS 88/27]
- 5) Effective Date of Rule: July 27, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: A copy of the adopted rule is on file and is available for public inspection in the Attorney General's principal office in Chicago (12th Floor, James R. Thompson Center).
- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 5536; April 17, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: There are no differences between the proposal and the final version.
- 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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendment updates Appendix A to reflect the 2015 poverty guidelines published by the United States Department of Health and Human Services (DHHS) in the *Federal Register* on January 22, 2015.
- 16) Information and questions regarding this adopted rule shall be directed to:

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David Buysse
Deputy Chief, Public Interest Division
Office of the Attorney General
100 West Randolph Street, 12th Floor
Chicago IL 60601

312/814-7236

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

OFFICE OF THE ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER XVIII: OFFICE OF THE ATTORNEY GENERAL

PART 4500
HOSPITAL FINANCIAL ASSISTANCE
UNDER THE FAIR PATIENT BILLING ACT

Section

- 4500.10 Definitions
- 4500.20 Referenced Materials
- 4500.30 Hospital Financial Assistance Application Requirements
- 4500.40 Presumptive Eligibility Criteria
- 4500.50 Hospital Financial Assistance Electronic and Information Technology
- 4500.60 Hospital Financial Assistance Reporting Requirements

4500.APPENDIX A [20152014](#) Poverty Income Guidelines

AUTHORITY: Implementing and authorized by Section 27 of the Fair Patient Billing Act [210 ILCS 88/27].

SOURCE: Adopted at 37 Ill. Reg. 12536, effective July 22, 2013; amended at 38 Ill. Reg. 20263, effective October 10, 2014; amended at 39 Ill. Reg. 10751, effective July 27, 2015.

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Section 4500.APPENDIX A ~~2015~~2014 Poverty Income Guidelines2015~~2014~~ HEALTH AND HUMAN SERVICES POVERTY GUIDELINES

Persons in Family	Poverty Guideline
1	\$ 11,770 <u>11,670</u>
2	\$ 15,930 <u>15,730</u>
3	\$ 20,090 <u>19,790</u>
4	\$ 24,250 <u>23,850</u>
5	\$ 28,410 <u>27,910</u>
6	\$ 32,570 <u>31,970</u>
7	\$ 36,730 <u>36,030</u>
8	\$ 40,890 <u>40,090</u>
For additional persons, add	\$ <u>4,160</u> 4,060

NOTE: See ~~8079~~ Fed. Reg. ~~3236 through 3237 (January 22, 2015)~~3593 through 3594 (January 22, 2014).

(Source: Amended at 39 Ill. Reg. 10751, effective July 27, 2015)

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- 1) Heading of the Part: Notices, Records, Reports
- 2) Code Citation: 56 Ill. Adm. Code 2760
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2760.140	Amendment
2760.141	New Section
2760.150	Amendment
- 4) Statutory Authority: Sections 204, 234, 245, 300, 302, 700, 1400, 1400.2, 1401, 1402, 1404, 1405, 1507, 1700, 1701, 1706, 1800, 1801, 2201 and 2208 of the Unemployment Insurance Act [820 ILCS 405/204, 234, 245, 300, 302, 700, 1400, 1400.2, 1401, 1402, 1404, 1405, 1507, 1700, 1701, 1706, 1800, 1801, 2201 and 2208]
- 5) Effective Date of the Rules: July 27, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office, and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: February 20, 2015; 39 Ill. Reg. 2464
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: In the Table of Contents and in the text of the rule, change "or of" to "and Procedures for".
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: The Medicaid reform law required that employers submit wage reports monthly if the Department's rules required them to submit those reports electronically. Shortly after enactment of the law, the Department adopted rules to lower the threshold for mandatory electronic reporting. The rulemaking also phased in the monthly reporting requirement through July 2014, based on the size of the employer's workforce, but did not phase in the expansion of the electronic reporting requirement. Despite the Department's outreach efforts, a number of employers and payroll services were operating under an honest misunderstanding that the monthly reporting requirement and expansion of the electronic reporting requirement were being phased in on the same schedule. Additionally, some employers and payroll services operating in good faith experienced challenges transitioning to monthly reporting. Employers incurred penalties as a result of those issues. The Department believes those penalties would be unnecessarily punitive for employers who were proceeding in good faith.

The rule changes to Part 2760:

Retroactively establish the same phase-in for electronic reporting that existed for monthly reporting.

Apply the electronic/monthly reporting requirement on a state fiscal year basis rather than a calendar year basis (e.g., if an employer's 2014 headcount equaled or exceeded 25, the employer will be required to report electronically/monthly for the period from July 1, 2015, through June 30, 2016). This change ensures that, when an employer's headcount for a calendar year brings it within the scope of the electronic/monthly reporting requirement, there will be sufficient opportunity for the employer to be notified before the requirement applies.

Clarify that any employer credit resulting from the changes to this Part or the accompanying changes to Part 2765 will only be refunded if it cannot be applied as an adjustment against other liabilities by January 31, 2016.

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

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
33 South State Street – Room 937
Chicago IL 60603

312/793-2333

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gregory.ramel@illinois.gov

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

DEPARTMENT OF EMPLOYMENT SECURITY

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERSPART 2760
NOTICES, RECORDS, REPORTS

SUBPART A: GENERAL OBLIGATIONS

Section

- 2760.1 Posting And Maintaining Notices
2760.5 Identification Of Workers Covered By The Act
2760.10 Filing By Mail

SUBPART B: REPORTS AND RECORDS

Section

- 2760.100 Reports and the Report for Household Employers
2760.105 Reports Of Employing Units As To Their Status
2760.110 Employing Unit Terminating Business
2760.115 Records With Respect To Employment
2760.120 Employer's Contribution and Wage Report and Report for Household Employers
2760.125 Employer's Wage Report
2760.128 Wage Report Filing for Employers that Employ Household Workers and Elect to Report Their Wages on an Annual Basis
2760.130 Reporting "Excess" Wages
2760.135 Remittance of Contributions Due and Use of Transmittal Form
2760.140 Use of Electronic Data Processing Media for ~~Monthly or~~ Quarterly Reporting
2760.141 Use of Electronic Data Processing Media for Monthly or Quarterly Reporting
2760.145 Correcting the Employer's Contribution and Wage Report or Report for Household Employers
2760.150 Consequences of an Error in the Preparation of the Employer's Contribution and Wage Report or Report for Household Employers and Procedures for the Waiver or Elimination of Certain Penalties

AUTHORITY: Implementing and authorized by Sections 204, 234, 245, 300, 302, 700, 1400, 1400.2, 1401, 1402, 1404, 1405, 1507, 1700, 1701, 1706, 1800, 1801, 2201 and 2208 of the Unemployment Insurance Act [820 ILCS 405/204, 234, 245, 300, 302, 700, 1400, 1400.2, 1401, 1402, 1404, 1405, 1507, 1700, 1701, 1706, 1800, 1801, 2201 and 2208].

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SOURCE: Department of Labor, Bureau of Employment Security Regulations 4, 7 and 8, filed as amended May 3, 1977, effective May 13, 1977; Regulation 11 filed as amended May 4, 1977, effective May 14, 1977; Regulations 5 and 32 filed as amended June 23, 1977, effective July 3, 1977; Regulations 6 and 12 filed as amended September 12, 1977, effective September 12, 1977; rules repealed by operation of law on October 1, 1984; new rules adopted at 10 Ill. Reg. 6939, effective April 15, 1986; emergency amendment at 12 Ill. Reg. 222, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 13604, effective August 4, 1988; amended at 12 Ill. Reg. 16070, effective September 23, 1988; amended at 16 Ill. Reg. 3993, effective February 27, 1992; emergency amendment at 17 Ill. Reg. 13798, effective August 4, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 261, effective December 27, 1993; emergency amendment at 18 Ill. Reg. 2631, effective February 3, 1994, for a maximum of 150 days; emergency amendment modified at 18 Ill. Reg. 7492; emergency expired July 3, 1994; amended at 18 Ill. Reg. 14942, effective September 27, 1994; amended at 29 Ill. Reg. 1917, effective January 24, 2005; emergency amendment at 29 Ill. Reg. 6783, effective April 25, 2005, for a maximum of 150 days; emergency expired September 25, 2005; amended at 33 Ill. Reg. 9652, effective July 1, 2009; amended at 35 Ill. Reg. 6136, effective March 25, 2011; emergency amendment at 36 Ill. Reg. 18947, effective December 17, 2012 through June 30, 2013; amended at 37 Ill. Reg. 7451, effective May 14, 2013; emergency amendment at 38 Ill. Reg. 22249, effective November 17, 2014, for a maximum of 150 days; emergency expired April 15, 2015; amended at 39 Ill. Reg. 10755, effective July 27, 2015.

SUBPART B: REPORTS AND RECORDS

Section 2760.140 Use of Electronic Data Processing Media for ~~Monthly or~~ Quarterly Reporting

- a) Except as provided in subsections (g) and (h), ~~effective with the reports due for the first month of 2013,~~ the reports required by Sections 2760.120 and 2760.125 ~~for a quarter beginning prior to calendar year 2013~~ must be filed by the use of an electronic data processing medium that meets the approval of the Director. The Director shall approve the use of electronic data processing media for reporting if he/she finds that:
- 1) All of the data required by the Director for ~~monthly or~~ quarterly reporting, ~~as the case may be,~~ are also provided by the employer on the electronic data processing medium; and
 - 2) The employer's electronically data processed reports are compatible and

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readable by the electronic data processing equipment used by the Director without the need for any programming adjustment by the Director.

- 3) ~~In addition to any other requirements regarding electronic filing pursuant to this Section,~~
- A) ~~reports submitted pursuant to this Section for any quarter ending after December 31, 2012, shall be submitted only through a file transfer protocol or through manual entry or a file import or upload onto an online system used by the Department; and~~
- B) ~~reports submitted pursuant to this Section for any month after December 31, 2012, shall be submitted only through a file upload onto an online system used by the Department.~~
- b) Subsection (a) shall only apply to an employer for a calendar year if the employer had ~~25025~~ or more individuals in its employ (though not necessarily at the same time) during the prior calendar year.

EXAMPLE: During ~~20112012~~, the employer has no more than ~~22520~~ individuals in its employ at any one time. However, during the year, ~~307~~ of these individuals leave the employ of the employer and are replaced by ~~307~~ other individuals. Though the employer's labor force never exceeds ~~22520~~ individuals at any one time, the employer had ~~25527~~ individuals in its employ during ~~20112012~~ and, therefore, is subject to subsection (a) for ~~20122013~~.

- c) The failure of an employer that is subject to subsection (a) to report in the manner required by that subsection shall subject the employer to the penalties set forth in Section 1402 of the Act.

EXAMPLE: ~~On October 20, 2012, an~~An employer subject to the reporting requirements of subsection (a) ~~mails beginning in 2013 files a paper version of the report due only in compliance with Section 2760.125, but not in compliance with this Section, for the third quarter of 2012 instead of filing it as required by subsection (a) July of that year on August 20, 2013. On November~~September 1, ~~20122013~~, if that employer has not yet complied with subsection (a), it is delinquent in the filing of its ~~July 2013~~ report ~~for the third quarter of 2012~~, the penalty set forth in Section

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1402 of the Act shall be imposed, and any payment it ultimately submits for the third quarter of ~~2012~~2013 shall be reallocated in accordance with ~~56 Ill. Adm. Code~~Section 2765.45 to reflect the payment of the penalty and a delinquency in contributions due. If the requirements of subsection (a) have still not been complied with before ~~December~~October 1, ~~2012~~2013 and the maximum penalty has not yet been imposed, the penalty will be increased on that date and the employer's payment again reallocated to reflect payment of the increased penalty and an additional delinquency.

- d) When not required by subsection (a), the reports required by Sections 2760.120 and 2760.125 may be made by the use of an electronic data processing medium that meets the prior approval of the Director. The Director shall approve the use of an electronic data processing medium for reporting if it meets the requirements of subsection (a) ~~of this Section~~ and if the employer agrees to file both reports by the use of ~~that an~~ electronic data processing medium.
- e) Any employer that was authorized by the Director, before December 27, 1993, to submit both of its quarterly reports on an electronic data processing medium may continue to do so without further approval by the Director, on the condition that the medium continues to meet the requirements of subsection (a) ~~of this Section~~. The employer is, however, subject to the requirements of subsection (f) ~~of this Section~~.
- f) The first report submitted electronically pursuant to this Section for any calendar year must be accompanied by a certification, on a form provided for this purpose by the Director, signed by the owner, partner or authorized officer or official, that the information submitted is true and correct to the best of his ~~or her~~ knowledge and belief and that no part of the contribution reported was or is to be deducted from the worker's wages. This subsection (f) does not apply if the method of electronic submission being used includes the certification described in this subsection (f) as part of the report.
- g) ~~When The Director shall waive the reporting requirements of this Section for an employer with respect to reports covering the subsequent calendar year when the employer demonstrates that the Commissioner of the Internal Revenue Service: ↵~~ ~~has~~Has waived the electronic reporting requirements of Treasury Regulation 301.6011-2 (26 CFR 301.6011-2), as in effect on January 1, ~~2012~~2013, for the employer with respect to documents covering a calendar year, the Director shall

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waive the reporting requirements of this Section for the employer with respect to reports covering the subsequent calendar year.~~;~~~~or~~

- 2) ~~Would have waived those requirements for the employer had they otherwise been applicable.~~

EXAMPLE: In February ~~2012~~2013, the Commissioner of the Internal Revenue Service notifies an employer that the requirements of Treasury Regulation 301.6011-2 (26 CFR 301.6011-2)~~;~~ have been waived with respect to Form W-2 data covering calendar year ~~2011~~2012, meaning that the employer will not be required to submit the data electronically in ~~2012~~2013. If the employer demonstrates the waiver to the Director, the Director will waive the requirements of subsection (a) with respect to reports covering ~~2012~~2013.

~~EXAMPLE: The electronic reporting requirements of Treasury Regulation 301.6011-2 do not apply to the employer because the employer had fewer than 250 individuals in its employ in the prior year. If the employer believes, however, that it would otherwise qualify for a waiver of the Regulation's requirements, the employer may apply for a waiver from the Director, who will grant the waiver if the Director determines that the conditions for granting a waiver under the Regulation have been met.~~

- h) When an employer was not subject to the mandatory electronic reporting requirements of this Section for any ~~month or~~ quarter of the prior calendar year, but is subject to those requirements for the current calendar year, the employer may, for any period through the second quarter of the current calendar year, file its quarterly reports by mailing paper versions of the reports in compliance with Sections 2760.120 and 2760.125.

~~EXAMPLE~~Example: The employer had, in total, 240 individuals in its employ during calendar year ~~2010~~2011. In calendar year ~~2011~~2012, the employer had, in total, 260 individuals in its employ. The employer will not be required to report electronically for any period through the second quarter of calendar year ~~2012~~2013 but will be required to report electronically for at least ~~all months during~~ the third and fourth quarters of that year.

(Source: Amended at 39 Ill. Reg. 10755, effective July 27, 2015)

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Section 2760.141 Use of Electronic Data Processing Media for Monthly or Quarterly Reporting

- a) Electronic Data Processing
Except as otherwise provided in subsection (b) or subsection (g), an employer shall file the reports required by Sections 2760.120 and 2760.125 by the use of an electronic data processing medium that meets the approval of the Director (see subsection (c)) in accordance with the following schedule:
- 1) for the period of February 1, 2013 through June 30, 2015, if the employer had 250 or more individuals in its employ (though not necessarily at the same time) during calendar years 2011 and 2012;
 - 2) for the period of July 1, 2013 through June 30, 2015, if the employer had 100 or more individuals in its employ (though not necessarily at the same time) during calendar year 2012 but fewer than 250 during calendar year 2011;
 - 3) for the period of January 1, 2014 through June 30, 2015, if the employer had 50 or more, but fewer than 100, individuals in its employ (though not necessarily at the same time) during calendar year 2012;
 - 4) for the period of July 1, 2014 through June 30, 2015, if the employer had 25 or more, but fewer than 50, individuals in its employ (though not necessarily at the same time) during calendar year 2012; and
 - 5) after June 30, 2015, for any one-year period of July 1 of a calendar year through June 30 of the immediately succeeding calendar year, if the employer had 25 or more individuals in its employ (though not necessarily at the same time) during the last calendar year completed immediately prior to the July 1 on which the period commenced.
- b) Notwithstanding any other provision to the contrary, subsection (a) shall not apply for the period of January 1, 2014 through June 30, 2015 with respect to any employer that did not have at least 25 individuals in its employ (whether or not at the same time) during calendar year 2013.

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- c) The Director shall approve the use of electronic data processing media for reporting if he or she finds that:
- 1) all of the data required by the Director for monthly or quarterly reporting, as the case may be, are also provided by the employer on the electronic data processing medium; and
 - 2) the employer's electronically data processed reports are compatible and readable by the electronic data processing equipment used by the Director without the need for any programming adjustment by the Director.
- d) In addition to any other requirements of this Section regarding electronic filing:
- 1) reports submitted pursuant to this Section for any quarter ending after December 31, 2012 shall be submitted only through a file transfer protocol or through manual entry or a file import or upload onto an online system used by the Department; and
 - 2) reports submitted pursuant to this Section for any month after December 31, 2012 shall be submitted only through a file upload onto an online system used by the Department.

EXAMPLE: During 2012, the employer has no more than 90 individuals in its employ at any one time. However, during the year, 11 of these individuals leave the employ of the employer and are replaced by 11 other individuals. Though the employer's labor force never exceeds 90 individuals at any one time, the employer had 101 individuals in its employ during 2012 for purposes of subsection (a).

EXAMPLE: During 2014, the employer has no more than 20 individuals in its employ at any one time. However, during the year, 7 of these individuals leave the employ of the employer and are replaced by 7 other individuals. Though the employer's labor force never exceeds 20 individuals at any one time, the employer had 27 individuals in its employ during 2014 and, therefore, is subject to subsection (a) for the one-year period of July 1, 2015 through June 30, 2016.

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- e) The failure of an employer that is subject to subsection (a) to report in the manner required by that subsection shall subject the employer to the penalties set forth in Section 1402 of the Act.

EXAMPLE: On August 20, 2015, an employer subject to the reporting requirements of subsection (a) for July 2015 attempts to mail a paper version of the report due for that month instead of filing it as required by subsection (a). The Department, however, does not accept paper versions of reports covering the first 2 months of a calendar quarter. On September 1, 2015, if that employer has not yet complied with subsection (a), it is delinquent in the filing of its July 2015 report, the penalty set forth in Section 1402 of the Act shall be imposed, and any payment it ultimately submits for the third quarter of 2015 shall be reallocated in accordance with 56 Ill. Adm. Code 2765.45 to reflect the payment of the penalty and a delinquency in contributions due. If the requirements of subsection (a) have still not been complied with before October 1, 2015, and the maximum penalty has not yet been imposed, the penalty will be increased on that date and the employer's payment again reallocated to reflect payment of the increased penalty and an additional delinquency.

- f) When not required by subsection (a), the reports required by Sections 2760.120 and 2760.125 may be made by the use of an electronic data processing medium if it meets the requirements of subsection (c) and if the employer agrees to file both reports by the use of the electronic data processing medium.
- g) The Director shall waive the reporting requirements of this Section with respect to reports covering any month commencing in the subsequent calendar year when the employer demonstrates that the Commissioner of the Internal Revenue Service:
- 1) has waived the electronic reporting requirements of Treasury Regulation 301.6011-2 (26 CFR 301.6011-2), as in effect on January 1, 2014, for the employer with respect to documents covering a calendar year; or
 - 2) would have waived those requirements for the employer had they otherwise been applicable.

EXAMPLE: In February 2015, the Commissioner of the Internal Revenue Service notifies an employer that the requirements of Treasury Regulation

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301.6011-2 have been waived with respect to Form W-2 data covering calendar year 2014, meaning that the employer will not be required to submit the data electronically in 2015. If the employer demonstrates the waiver to the Director, the Director will waive the requirements of subsection (a) with respect to reports covering any month commencing during calendar year 2015. However, unless the employer also demonstrates to the Director that the Commissioner has waived those requirements with respect to documents covering calendar year 2015, the Director will not waive the reporting requirements of this Section with respect to any month commencing during calendar year 2016.

EXAMPLE: The electronic reporting requirements of Treasury Regulation 301.6011-2 do not apply to the employer because the employer had fewer than 250 individuals in its employ in the prior year. If the employer believes, however, that it would otherwise qualify for a waiver of the Regulation's requirements, the employer may apply for a waiver from the Director, who will grant the waiver if the Director determines that the conditions for granting a waiver under this Part have been met.

(Source: Added at 39 Ill. Reg. 10755, effective July 27, 2015)

Section 2760.150 Consequences of an Error in the Preparation of the Employer's Contribution and Wage Report or Report for Household Employers and Procedures for the Waiver or Elimination of Certain Penalties

- a) If an error in the preparation of the Employer's Contribution and Wage Report or Report for Household Employers results in an underreporting of contributions due, the employer shall be liable for any penalty and the delinquent contributions plus interest, calculated in accordance with Section 1401 of the Act [820 ILCS 405/1401], from the date that the original report was due.
- b) Except as provided in subsection (c), if an error in the preparation of the Employer's Contribution and Wage Report or Report for Household Employers resulted in an overpayment of contributions, the employer may file a claim for an adjustment or refund. The claim must be filed within the period provided in Section 2201 of the Act. The request shall be filed on a form entitled Employer's Claim for Adjustment/Refund. The forms may be obtained by writing to the Department of Employment Security, Revenue Division, 33 S. State St., 10th Floor, Chicago IL 60603 or on-line from the Agency's website,

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www.ides.state.il.us. On the form, the employer must provide certain identifying information (name, account number, address and telephone number), its computation of the amount of its claim and the basis for its claim. This form must be signed by the owner, a partner, an officer of a corporation or its authorized agent who states that the information contained in the form is true and correct to the best knowledge and belief of the signer.

- c) Except as otherwise provided in subsection (d), in~~In~~ the event that the employer is mailed a Statement of Account that indicates the employer's account has a credit balance and the employer wishes to obtain a cash refund, the employer may file for the refund within the period provided in Section 2201 of the Act, on the form, Employer Request for Refund – Statement of Account. The form may be obtained and shall be completed in the same manner as provided in subsection (b).
- d) Except as otherwise provided in this subsection, in the event that the employer has overpaid a penalty as the result of Section 2760.141 or 56 Ill. Adm. Code 2765.62, the Department shall apply the credit as an adjustment against other liabilities of the employer under the Act. The Department shall grant a refund of any credit resulting from Section 2760.141 or 56 Ill. Adm. Code 2765.62 if the credit has not been used as an adjustment by January 31, 2016.

(Source: Amended at 39 Ill. Reg. 10755, effective July 27, 2015)

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- 1) Heading of the Part: Payment of Unemployment Contributions, Interest and Penalties
- 2) Code Citation: 56 Ill. Adm. Code 2765
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2765.62	Amendment
2765.68	Amendment
- 4) Statutory Authority: Sections 212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701 and 2600 of the Unemployment Insurance Act [820 ILCS 405/212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701 and 2600]
- 5) Effective Date of the Rules: July 27, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this Rule contain an incorporation by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office, and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: February 20, 2015; 39 Ill. Reg. 2477
- 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 agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: The Medicaid reform law required that employers submit wage reports monthly if the Department's rules required them to submit those reports electronically. Shortly after enactment of the law, the Department

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adopted rules to lower the threshold for mandatory electronic reporting. The rules also phased in the monthly reporting requirement through July 2014, based on the size of the employer's workforce, but did not phase in the expansion of the electronic reporting requirement. Despite the Department's outreach efforts, a number of employers and payroll services were operating under an honest misunderstanding that the monthly reporting requirement and expansion of the electronic reporting requirement were being phased in on the same schedule. Additionally, some employers and payroll services operating in good faith experienced challenges transitioning to monthly reporting. Employers incurred penalties as a result of those issues. The Department believes those penalties would be unnecessarily punitive for employers who were proceeding in good faith.

The rule changes to Part 2765 would waive the first two quarters' worth of monthly reporting penalties if the employer submitted timely quarterly reports.

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

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
33 South State Street – Room 937
Chicago IL 60603

312/793-2333
gregory.ramel@illinois.gov

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERS

PART 2765

PAYMENT OF UNEMPLOYMENT CONTRIBUTIONS, INTEREST AND PENALTIES

SUBPART A: GENERAL PROVISIONS

Section	
2765.1	Unemployment Contributions Not Deductible From Wages
2765.5	Definitions
2765.10	Payment Of Contributions
2765.11	Employers Who Employ Household Workers and Pay Contributions on an Annual Basis
2765.15	Liability For The Entire Year
2765.18	Liability Of A Third Party Purchaser Or Transferee For The Due And Unpaid Contributions, Interest And Penalties Of The Seller Or Transferor's Seller or Transferor
2765.20	Contributions Of Employers By Election
2765.25	Payments In Lieu Of Contributions
2765.30	When Payments In Lieu Of Contributions Payable
2765.35	Payments When Reimbursable Employer Becomes Contributory
2765.40	Payments When Contributory Employer Becomes Reimbursable
2765.44	Fee For Not Sufficient Funds (NSF) Checks
2765.45	Application Of Payment
2765.50	Accrual Of Interest
2765.55	Imposition Of Penalty
2765.56	Imposition of Late Reporting Penalty for Employers Who Employ Household Workers and Elect to File Reports on an Annual Basis
2765.60	Payment Or Filing By Mail
2765.61	Waiver of Interest and Penalty for Employers Who Employ Household Workers and Who File Reports and Pay Contributions on an Annual Basis (Repealed)
2765.62	Temporary Waivers of Penalty for Employers with More than 25 but Fewer than 250 Individuals in Their Employ
2765.63	When Payment Due And Consequences Of Upward Revision In Employer's Contribution Rate
2765.64	Consequences Where An Employee Leasing Company Has Erroneously Reported Wages And Paid Contributions Which Wages Should Have Been Reported And

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- Contributions Paid By Its Client
- 2765.65 Waiver Of Interest Or Penalty
- 2765.66 Waiver Of Interest Accruing Because Of Certain Types Of Employees For
Periods Prior To January 1, 1988
- 2765.67 Partial Waiver Of Interest Where An Employer Has Erroneously Reported Wages
To The Wrong State
- 2765.68 Waiver ~~of~~ Penalty ~~for~~ Certain Employers ~~for~~ 1987 ~~and~~ Thereafter
Wage Reports
- 2765.69 Partial Waiver Of Interest Where An Employer Has Erroneously Paid Its Federal
Unemployment Tax Act (FUTA) Tax In Full But Has Failed To Pay Its Illinois
Unemployment Insurance Contributions
- 2765.70 Waiver Of Interest For Certain Nonprofit Organizations or Local Governmental
Entities
- 2765.71 Waiver of Interest Accruing Due To A Delay In The Issuance Of A Decision On
A Protested Determination And Assessment
- 2765.73 Waiver Of Interest For Certain Nonprofit Hospitals
- 2765.74 Time For Paying Or Filing Delayed Payment Or Report
- 2765.75 Application for Waiver
- 2765.80 Approval Of Application For Waiver
- 2765.85 Insufficient Or Incomplete Application
- 2765.90 Disapproval Of Application Conclusive
- 2765.95 Appeal And Hearing

SUBPART B: EXPERIENCE RATING

- Section
- 2765.200 Effect Of A Successor Employing Unit's Failure To Notify The Director Of Its
Succession
- 2765.210 Prohibition On Withdrawal Of Joint Application For Partial Transfer Of
Experience Rating Record
- 2765.220 Determination Of Benefit Wage And Benefit Ratio
- 2765.225 Requirement For Privity In Order To Have A Predecessor Successor Relationship
- 2765.228 No Requirement For Continuous Operation In Order For A Predecessor Successor
Relationship To Exist
- 2765.230 Effect Of A Transfer Of Physical Assets On A Finding That A Predecessor
Successor Relationship Exists

SUBPART C: BENEFIT CHARGES

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Section

- 2765.325 Application Of "30 Day" Requirement For Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act
- 2765.326 Requirement For A Separation Or A Reduction In The Work Offered In Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act
- 2765.328 What Constitutes A Day For Purposes Of The "30 Day" Requirement In Section 1502.1 Of The Act
- 2765.329 Application Of "30 Day" Requirement For Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act For Benefit Years Beginning On Or After January 1, 1993
- 2765.330 Chargeability Where The Individual Is Discharged As A Result Of His Incarceration
- 2765.332 Effect Of Ineligibility Under Section 602(B) On Chargeability Under Section 1502.1 Of The Act
- 2765.333 Effect Of Ineligibility Under Section 612 On Chargeability Under Section 1502.1 Of The Act
- 2765.334 Effect Of Ineligibility Under Section 614 On Chargeability Under Section 1502.1 Of The Act
- 2765.335 Procedural Requirements And Right Of Appeal

AUTHORITY: Implementing and authorized by Sections 212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701 and 2600 of the Unemployment Insurance Act [820 ILCS 405/212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701 and 2600].

SOURCE: Adopted at 6 Ill. Reg. 3863, effective March 31, 1982; amended at 7 Ill. Reg. 13266, effective September 28, 1983; recodified at 8 Ill. Reg. 15027; amended at 11 Ill. Reg. 3972, effective February 23, 1987; amended at 11 Ill. Reg. 11743, effective June 26, 1987; amended at 11 Ill. Reg. 12882, effective July 22, 1987; emergency amendment at 12 Ill. Reg. 225, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11740, effective July 5, 1988; amended at 12 Ill. Reg. 17342, effective October 12, 1988; amended at 12 Ill. Reg. 20484, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 11911, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17410, effective October 30, 1989; amended at 14 Ill. Reg. 6218, effective April 16, 1990; amended at 14 Ill. Reg. 19886, effective November 29, 1990; amended at 15 Ill. Reg. 185, effective December 28, 1990; amended at 15 Ill. Reg. 11122, effective July 19, 1991; amended at 16 Ill. Reg. 2131, effective January 27, 1992; amended at 16 Ill. Reg. 12165, effective July 20, 1992; amended at 17 Ill. Reg. 308, effective December 28, 1992; amended at 17 Ill. Reg. 614, effective January 4, 1993; amended at 17 Ill. Reg. 10275, effective June 29, 1993; emergency

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amendment at 17 Ill. Reg. 13801, effective August 20, 1993, for a maximum of 150 days; emergency expired January 1, 1994; amended at 18 Ill. Reg. 14952, effective September 27, 1994; emergency amendment at 19 Ill. Reg. 16113, effective November 13, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4307, effective February 29, 1996; amended at 25 Ill. Reg. 2011, effective January 18, 2001; emergency amendment at 29 Ill. Reg. 6788, effective April 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 13988, effective September 1, 2005; amended at 33 Ill. Reg. 9658, effective July 1, 2009; emergency amendment at 36 Ill. Reg. 18968, effective December 17, 2012 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2506, effective February 11, 2013 through June 30, 2013; amended at 37 Ill. Reg. 7471, effective May 14, 2013; emergency amendment at 38 Ill. Reg. 22262, effective November 17, 2014, for a maximum of 150 days; emergency expired April 15, 2015; amended at 39 Ill. Reg. 10768, effective July 27, 2015.

SUBPART A: GENERAL PROVISIONS

Section 2765.62 Temporary Waivers of Penalty ~~for Employers with More than 25 but Fewer than 250 Individuals in Their Employ~~

- a) Subject to the limitations set forth in subsection (b), the penalties for failure to file a report as required by 56 Ill. Adm. Code 2760.125(a) for either or both of the first 2 months of a calendar quarter in compliance with 56 Ill. Adm. Code 2760.141(a) shall be waived when the employer timely files the report required for the third month of that quarter as required by 56 Ill. Adm. Code 2760.125(a)(1), in compliance with 56 Ill. Adm. Code 2760.141.
- b) Subsection (a) shall not apply for months following the first 2 quarters that include months for which penalties have been waived pursuant to subsection (a) or for any months beginning after November 30, 2014.
- a) ~~For January and February of 2013 and for April and May of 2013, subject to subsection (d), the penalties set forth in Section 1402 of the Act shall be conditionally waived for an employer who had 25 or more but fewer than 250 individuals in its employ in 2012, as determined in accordance with 56 Ill. Adm. Code 2760.140(b).~~
- 1) ~~EXAMPLE: During 2012, the employer had 250 or more individuals in its employ, as determined in accordance with 56 Ill. Adm. Code 2760.140(b). The employer is not eligible for a conditional waiver pursuant to this subsection (a).~~

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- 2) ~~EXAMPLE: During 2012, the employer had 125 individuals in its employ, as determined in accordance with 56 Ill. Adm. Code 2760.140(b). The penalties set forth in Section 1402 of the Act are conditionally waived for January and February of 2013 and for April and May of 2013.~~
- b) ~~For July and August of 2013 and for October and November of 2013, subject to subsection (d), the penalties set forth in Section 1402 of the Act shall be conditionally waived for an employer who had 25 or more but fewer than 100 individuals in its employ in 2012, as determined in accordance with 56 Ill Adm. Code 2760.140(b).~~
- 1) ~~EXAMPLE: During 2012, the employer had 125 individuals in its employ, as determined in accordance with 56 Ill. Adm. Code 2760.140(b). The employer is not eligible for a conditional waiver pursuant to this subsection (b).~~
- 2) ~~EXAMPLE: During 2012, the employer had 90 individuals in its employ, as determined in accordance with 56 Ill. Adm. Code 2760.140(b). The penalties set forth in Section 1402 of the Act are conditionally waived for July and August of 2013 and for October and November of 2013.~~
- e) ~~For January and February of 2014 and for April and May of 2014, subject to subsection (d), the penalties set forth in Section 1402 of the Act shall be conditionally waived for an employer who had 25 or more but fewer than 50 individuals in its employ in 2012, as determined in accordance with 56 Ill. Adm. Code 2760.140(b).~~
- 1) ~~EXAMPLE: During 2012, the employer had 52 individuals in its employ, as determined in accordance with 56 Ill. Adm. Code 2760.140(b). The employer is not eligible for a conditional waiver pursuant to this subsection (e).~~
- 2) ~~EXAMPLE: During 2012, the employer had 25 individuals in its employ, as determined in accordance with 56 Ill. Adm. Code 2760.140(b). The penalties set forth in Section 1402 of the Act are conditionally waived for January and February of 2014 and for April and May of 2014.~~

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- d) ~~The Director shall waive a penalty that has been conditionally waived for the first 2 months of a calendar quarter pursuant to subsection (a), (b) or (c), if the employer timely submits the report required pursuant to 56 Ill. Adm. Code 2760.125(a)(1) for the third month of the quarter in compliance with 56 Ill. Adm. Code 2760.140. It is not necessary for the employer to apply for a waiver pursuant to this subsection (d).~~
- 1) ~~EXAMPLE: Employer Smith had 27 individuals in its employ during 2012, as determined in accordance with 56 Ill. Adm. Code 2760.140(b). Employer Smith fails to file its required reports for January or February 2013. Employer Smith, however, files its required report for March 2013 prior to May 1, 2013, in an electronic form approved by the Director. Employer Smith does not have to apply for a waiver of penalties for January or February 2013, and the Director shall waive all late reporting penalties for those months as long as Employer Smith's report for March 2013 is in accordance with 56 Ill. Adm. Code 2760.125(a)(1).~~
- 2) ~~EXAMPLE: Employer Jones had 27 individuals in its employ during 2012, as determined in accordance with 56 Ill. Adm. Code 2760.140(b). Employer Jones fails to file its required reports for January or February 2013. Employer Jones fails to file its required report for March 2013 prior to May 1, 2013, in an electronic form approved by the Director. Employer Jones is subject to the penalties set forth in Section 1402 of the Act for failing to file the January, February and March 2013 reports as required. The minimum penalty for failing to file timely is \$50 for each of the 3 months.~~

(Source: Amended at 39 Ill. Reg. 10768, effective July 27, 2015)

Section 2765.68 Waiver of Penalty ~~for~~ Certain Employers ~~for~~ 1987 ~~and~~ And Thereafter Wage Reports

- a) Notwithstanding any other provisions of this Part to the contrary, the Director shall waive the reporting penalty provided in Section 1402 of the Act for 1987 and for any reports of wages paid in calendar year 1987 and any calendar year thereafter, if the employer, within 30 working days ~~after~~ the date of mailing of the notice from the Agency that its report is delinquent, shows that:
- 1) The total amount of contributions due for the calendar quarter of ~~the~~

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report is less than \$500; and,

EXAMPLEExample: Employer A is required to file two reports for a quarter pursuant to 56 Ill. Adm. Code 2760.120. The total amount of contributions attributable to the first report is \$400. The total amount of contributions attributable to the second report is \$200. Employer A will not be entitled to waiver of penalty under this Section with respect to either report because the total amount of contributions due for the quarter is more than \$500.

- 2) This delinquent report is the employer's first such late report during the last 20 calendar quarters, including ~~such~~ quarters during which the employer was not required to file reports under the Act.
- b) The employer's application for this waiver shall be made in the form provided in Section 2765.75, except that it need not be sworn and instead of stating the "good cause applicable," the employer shall state that it met the requirements of subsections (a)(1) and (2) ~~of this Section~~. In support of its statement that it met the requirements of subsection (a)(1) ~~above~~, the employer shall attach a copy of its Contribution and Wage Report for ~~the applicable~~ ~~such~~ calendar quarter.
- c) If the employer is required to file two reports pursuant to 56 Ill. Adm. Code 2760.120 and both reports are filed untimely, for the purposes of subsection (a)(2) ~~above~~, both reports will be deemed to be a single delinquent report.
- d) For purposes of subsection (a), a month for which the late filing penalty has been waived pursuant to Section 2765.62 shall not be considered a month for which the employer filed a late report.

(Source: Amended at 39 Ill. Reg. 10768, effective July 27, 2015)

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- 1) Heading of the Part: Grant Accountability and Transparency Act
- 2) Code Citation: 44 Ill. Adm. Code 7000
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
7000.10	New Section
7000.20	New Section
7000.30	New Section
7000.40	New Section
7000.50	New Section
7000.60	New Section
7000.70	New Section
7000.80	New Section
7000.100	New Section
7000.110	New Section
7000.120	New Section
- 4) Statutory Authority: Grant Accountability and Transparency Act [30 ILCS 708]
- 5) Effective Date of Rules: July 24, 2015
- 6) Does this rulemaking contain an automatic repeal date? Yes, July 16, 2019
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including all material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: 39 Ill. Reg. Page 5278; April 10, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version:
 - A. In Section 7000.20:
 1. In the definition of "Auditee", change "R" to "F".

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2. In the definition of "Comprehensive Annual Financial Report", delete "a set of government financial statements comprising", delete "state, municipal or other", and add the closing sentence, "The report contains basic financial statements, notes to the basic financial statements, and required supplementary information (RSI), plus voluntarily provided supplementary information (SI) such as an introductory section, supporting schedules with more detailed financial information than is found in the financial statements, and a statistical section."
 - B. In Section 7000.70(c)(2)(A), change the first "UR subpart F" to "OMB Circular A-133". After the second "UR Subpart F", add "(see UR appendix IX; the Supplement can be found at https://www.whitehouse.gov/omb/circulars_default)."
- 12) Have all the changes agreed upon by JCAR and the Agency been made as indicated in the agreements issued by JCAR? Yes
 - 13) Will this rulemaking replace an emergency rule currently in effect? No
 - 14) Are there any rulemakings pending on this Part? No
 - 15) Summary and Purpose of Rulemaking: This Part 7000 of rules governs the implementation of the federal and federal pass-through rules for the Grant Accountability and Transparency Act (Act). The Act is intended to comply with the General Assembly's directives to: a) develop a coordinated, non-redundant process for the provision of effective and efficient oversight of the selection and monitoring of grant recipients, thereby ensuring quality programs and limiting fraud, waste and abuse; and b) define the purpose, scope, applicability and responsibilities in the life cycle of a grant.

The Act is also intended to increase the accountability and transparency in the use of grant funds from whatever source and to reduce administrative burdens on both State agencies and grantees by adopting federal guidance and regulations applicable to those grant funds; specifically, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal Awards (Uniform Requirements).

The Act is consistent with the State's focus on improving performance and outcomes while ensuring transparency and the financial integrity of taxpayer dollars through such initiatives as the Management Improvement Initiative created by Section 1-37a of the Department of Human Services Act [20 ILCS 1305], the State's prioritized goals created

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under Section 50-25 of the State Budget Law [15 ILCS 20] (also known as "Budgeting for Results"), and the Grant Information Collection Act [30 ILCS 707].

The Act establishes uniform administrative requirements, cost principles, and audit requirements for federal and federal pass-through awards to non-federal entities. It leverages the federal model, focusing on program outcomes and establishing a uniform process throughout the entire grant life cycle.

The Act and this Part provide the basis for a systematic and periodic collection and uniform submission to the Governor's Office of Management and Budget of information of all State and federal financial assistance programs by State grant-making agencies. The Act and this Part also establish policies related to the delivery of this information to the public, including through the use of electronic media.

16) Information and questions regarding these adopted rules shall be directed:

Mary-Lisa Sullivan, Director
Grant Accountability and Transparency Unit
Governor's Office of Management and Budget
100 West Randolph Street, Suite 15-100
Chicago IL 60601

312/814-2494
217/558-1325
312/636-8697 (cell)
e-mail: Mary-Lisa.Sullivan@illinois.gov

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

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NOTICE OF ADOPTED RULES

TITLE 44: GOVERNMENTAL CONTRACTS, GRANTMAKING,
PROCUREMENT AND PROPERTY MANAGEMENT

SUBTITLE F: GRANTMAKING

CHAPTER I: GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

PART 7000

GRANT ACCOUNTABILITY AND TRANSPARENCY ACT

SUBPART A: GENERAL

Section

7000.10	Purpose and Applicability
7000.20	Definitions
7000.30	Incorporations and Referenced Materials
7000.40	Governor's Office of Management and Budget Responsibilities
7000.50	Grant Accountability and Transparency Unit Responsibilities
7000.60	Catalog of State Financial Assistance
7000.70	Auditing Standards
7000.80	Annual Report and 5-Year Review

SUBPART B: STATE AGENCY RESPONSIBILITIES AND IMPLEMENTATION

7000.100	State Grant-making Agency Responsibilities
7000.110	State Grant-making Agency Implementation
7000.120	Institution of Higher Education Responsibilities and Implementation

AUTHORITY: Implementing and authorized by the Grant Accountability and Transparency Act [30 ILCS 708].

SOURCE: Adopted at 39 Ill. Reg. 10777, effective July 24, 2015.

SUBPART A: GENERAL

Section 7000.10 Purpose and Applicability

- a) The Act and This Part
 - 1) The Grant Accountability and Transparency Act (Act) *is intended to comply with the General Assembly's directives to:*

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- A) *develop a coordinated, nonredundant process for the provision of effective and efficient oversight of the selection and monitoring of grant recipients, thereby ensuring quality programs and limiting fraud, waste and abuse; and*
 - B) *define the purpose, scope, applicability and responsibilities in the life cycle of a grant. [30 ILCS 708/5(a)]*
- 2) *The Act is also intended to increase the accountability and transparency in the use of grant funds from whatever source and to reduce administrative burdens on both State agencies and grantees by adopting federal guidance and regulations applicable to those grant funds; specifically, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Requirements, 2 CFR 200). [30 ILCS 708/5(b)]*
 - 3) *The Act is consistent with the State's focus on improving performance and outcomes while ensuring transparency and the financial integrity of taxpayer dollars through such initiatives as the Management Improvement Initiative Committee created by Section 1-37a of the Department of Human Services Act [20 ILCS 1305], the State prioritized goals created under Section 50-25 of the State Budget Law [15 ILCS 20] (also known as "Budgeting for Results"), and the Grant Information Collection Act [30 ILCS 707]. [30 ILCS 708/5(c)]*
 - 4) **Supersession of GATA; Subjection to Auditing Statutes**
Supersession. Section 80 of GATA states that, on and after July 1, 2015, in the event of a conflict with the Grant Funds Recovery Act, the provisions of GATA shall control.
- b) **Purpose**
 - 1) *The purpose of the Act is to establish uniform administrative requirements, cost principles, and audit requirements for federal and federal pass-through awards to non-federal entities. State awarding agencies shall not impose additional or inconsistent requirements, except as provided in section 200.102 of the Uniform Requirements, unless*

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specifically required by State or federal statute. The Act and this Part do not apply to private awards.

- 2) *The Act and this Part provide the basis for a systematic and periodic collection and uniform submission to the Governor's Office of Management and Budget of information of all State and federal financial assistance programs by State grant-making agencies. The Act and this Part also establish policies related to the delivery of this information to the public, including through the use of electronic media. [30 ILCS 708/10]*

c) Applicability

- 1) *The requirements established under the Act apply to State grant-making agencies that make State and federal pass-through awards to non-federal entities. These requirements apply to all costs related to federal and federal pass-through awards. The requirements established under the Act do not apply to private awards. [30 ILCS 708/45(a)]*
- 2) *Nothing in the Act shall prohibit the use of State funds for purposes of federal match or maintenance of effort. [30 ILCS 708/45(a-5)]*
- 3) *The terms and conditions of federal and pass-through awards apply to subawards and subrecipients unless a particular Section of the Act or the terms and conditions of the federal or federal pass-through award specifically indicate otherwise. Non-federal entities shall comply with requirements of the Act regardless of whether the non-federal entity is a recipient or subrecipient of a federal or federal pass-through award. Pass-through entities shall comply with the requirements set forth under this Part, but not to any requirements in the Act directed towards State or federal awarding agencies, unless the requirements of the federal awards indicate otherwise. [30 ILCS 708/45(b)]*
- 4) *When a non-federal entity is awarded a cost-reimbursement contract, only UR sections 200.330 through 200.332 are incorporated by reference into the contract. However, when the Cost Accounting Standards are applicable to the contract, they take precedence over the requirements of the Act unless they are in conflict with UR subpart F. In addition, costs that are made unallowable under 10 USC 2324(e) and 41 USC 4304(a),*

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as described in the Federal Acquisition Regulations (48 CFR 1), subparts 31.2 and 31.603, are always unallowable. For requirements other than those covered in UR subpart D, the terms of the contract and FAR apply. [30 ILCS 708/45(b)]

- 5) *With the exception of UR subpart F, which is required by the federal Single Audit Act, in any circumstances in which the provisions of federal statutes or regulations differ from the provisions of the Act, the federal statutes or regulations govern. [30 ILCS 708/45(b)]*
- 6) *State grant-making agencies may apply UR subparts A through E to for-profit entities, foreign public entities, or foreign organizations, except when the awarding agency determines that the application of these subparts would be inconsistent with the international obligations of the United States or the statutes or regulations of a foreign government. [30 ILCS 708/45(c)]*
- 7) *Except for UR sections 200.202 and 200.330 through 200.332, the requirements of UR subparts C, D and E do not apply to the programs listed in UR section 200.101 and Section 45(d) of the Act. [30 ILCS 708/45(d)]*

Section 7000.20 Definitions

The following definitions shall apply to this Part:

"Acquisition cost" means the cost of the asset, including the cost to ready the asset for its intended use. Acquisition cost for equipment, for example, means the net invoice price of the equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Acquisition costs for software includes those development costs capitalized in accordance with generally accepted accounting principles (GAAP). Ancillary charges, such as taxes, duty, protective in transit insurance, freight and installation may be included in or excluded from the acquisition cost in accordance with the awardee's regular accounting practices.

"Act" or "GATA" means the Grant Accountability and Transparency Act.

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"Administrative rules" means the administrative rules codified in the Illinois Administrative Code.

"Advance payment" means a payment that a federal awarding agency or pass-through entity makes by any appropriate payment mechanism, including a predetermined payment schedule, before the awardee disburses the funds for program purposes.

"A/E" means architectural and engineering services.

"AICPA" means the American Institute of Certified Public Accountants.

"Allocation" means the process of assigning a cost, or a group of costs, to one or more cost objectives, in reasonable proportion to the benefit provided or other equitable relationship. The process may entail assigning a cost directly to a final cost objective or through one or more intermediate cost objectives.

"Allowable cost" means a cost allowable to a project (i.e., that can be paid for using grant funds). Costs will be considered to be allowable if they:

are reasonable and necessary for the performance of the award;

are allocable to the specific project;

are treated consistently in like circumstances to federally-financed, State-financed, and other activities of the awardee;

conform to any limitations of the cost principles or the sponsored agreement;

are accorded consistent treatment (a cost may not be assigned to a State or federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the award as an indirect cost);

are determined to be in accordance with generally accepted accounting principles;

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are not included as a cost or used to meet federal cost-sharing or matching requirements of any other program in either the current or prior period;

are not used to meet the match requirements of another State or federal grant; and

are adequately documented.

"Audit finding" means deficiencies the auditor is required, by UR section 200.516(a), to report in the schedule of findings and questioned costs.

"Auditee" means any awardee that expends federal or federal pass-through awards that must be audited as provided in UR Subpart F (Audit Requirements).

"Auditor" means an auditor who is an Illinois licensed public accountant or a federal, state, or local government audit organization that meets the general standards specified for external auditors in generally-accepted government auditing standards. "Auditor" does not include internal auditors of nonprofit organizations.

"Auditor General" means the Auditor General of the State of Illinois.

"Award" means financial assistance that provides support or stimulation to accomplish a public purpose. "Awards" include grants and other agreements in the form of money, or property in lieu of money, by the federal government to an eligible recipient. "Award" does not include: technical assistance that provides services instead of money; other assistance in the form of loans, loan guarantees, interest subsidies or insurance; direct payments of any kind to individuals; or contracts that must be entered into and administered under State or federal procurement laws and regulations.

"Awardee" means a State, local government, institution of higher education, or organization, whether nonprofit or for-profit, that carries out a federal or federal pass-through award as a recipient or subrecipient.

"Billing rate" means a temporary indirect cost rate applicable to a specified period that is used for funding, interim reimbursement, and reporting indirect costs on

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federal or federal pass-through awards pending the establishment of a final rate for the period. (See also the definition of provisional rate.)

"Budget" means the financial plan for the project or program that the federal awarding agency or pass-through entity approves during the award process or in subsequent amendments to the award. It may include the federal and non-federal share or only the federal share, as determined by the awarding agency or pass-through entity.

"Call to action" means a communication that includes any one or more of the following:

The communication states that the recipient should contact a member or employee of a legislative body, or any other government official or employee who may participate in the formulation of legislation, when the principal purpose of the contact is lobbying.

The communication states the address, telephone number or similar information of a legislator or an employee of a legislative body.

The communication provides a petition, a tear-off postcard or similar material for the recipient to communicate with any such individual.

The communication specifically identifies one or more legislators who will vote on the legislation, indicating that the legislator will:

oppose the organization's view with respect to the legislation;

be undecided with respect to the legislation;

be the recipient's representative in the legislature; or

be a member of the legislative committee or subcommittee that will consider the legislation.

"Capital assets" means tangible or intangible assets used in operations having a useful life of more than one year that are capitalized in accordance with GAAP. Capital assets include:

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Land; buildings (facilities); equipment and intellectual property (including software); and whether acquired by purchase, construction, manufacture, lease-purchase or exchange, or through capital leases; and

Additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance).

"Capital expenditures" means expenditures to acquire capital assets or expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life.

"CAS" means the Cost Accounting Standards established by the Federal Cost Accounting Standards Board.

"Catalog of Federal Domestic Assistance" or "CFDA" means a database that helps the federal government track all programs it has domestically funded.

"Catalog of Federal Domestic Assistance Number" or "CFDA Number" means the number assigned to a federal program in the CFDA.

"Catalog of State Financial Assistance" or "CSFA" means the single, authoritative, Statewide, comprehensive source document of State financial assistance program information maintained by the Governor's Office of Management and Budget.

"Catalog of State Financial Assistance Number" or "CSFA Number" means the number assigned to a State program in the CSFA. The first 3 digits represent the State agency number and the last 4 digits represent the program.

"Central service cost allocation plan" means the documentation identifying, accumulating and allocating or developing billing rates based on the allowable costs of services provided by the State or local government on a centralized basis to its departments and agencies. The costs of these services may be allocated or billed to users.

"CFDA program title" means the title of the program under which the federal award was funded in the CFDA.

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"Claim" means, depending on the context, either:

A written demand or written assertion by one of the parties to a federal or federal pass-through award seeking as a matter of right:

The payment of money in a sum certain;

The adjustment or interpretation of the terms and conditions of the federal or federal pass-through award; or

Other relief arising under or relating to a federal or federal pass-through award; or

A request for payment that is not in dispute when submitted.

"Class of federal awards" means a group of federal awards either awarded under a specific program or group of programs or to a specific type of awardee or group of non-federal entities (awardees) to which specific provisions or exceptions may apply.

"Closeout" means the process by which the federal awarding agency or pass-through entity determines that all applicable administrative actions and all required work of the federal award have been completed and takes actions as described in UR section 200.343.

"Cluster of programs" means a grouping of closely related programs that share common compliance requirements. The types of clusters of programs are research and development, student financial aid, and other clusters. A "cluster of programs" shall be considered as one program for determining major programs and, with the exception of research and development, whether a program-specific audit may be elected.

"CMIA" means the federal Cash Management Improvement Act and the Department of the Treasury's Rules and Procedures for Efficient Federal-State Funds Transfers.

"CMS" means the Illinois Department of Central Management Services.

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"COFAR" means the Council on Financial Assistance Reform.

"Cognizant agency for audit" means the State (if the awardee does not receive funding directly from the federal government) or *federal agency designated to carry out the responsibilities described in UR section 200.513 (Responsibilities)*. The cognizant agency for audit is not necessarily the same as the cognizant agency for indirect costs. A list of cognizant agencies for audit may be found at the Federal Audit Clearinghouse (FAC) web site (<https://harvester.census.gov/fac/dissemin/asp/Reports.asp>).

"Cognizant agency for indirect costs" means the State (if the awardee does not receive funding directly from the federal government) or federal agency responsible for reviewing, negotiating and approving cost allocation plans or indirect cost proposals developed on behalf of all State or federal agencies, as applicable. The cognizant agency for indirect cost is not necessarily the same as the cognizant agency for audit. For assignments of cognizant agencies see the following:

For IHEs: UR appendix III (Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs)), paragraph C.11.

For nonprofit organizations: UR appendix IV (Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations)), paragraph C.2.

For State and local governments: UR appendix V (State/Local Governmentwide Central Service Cost Allocation Plans)), paragraph F.1.

"Compliance Supplement" means UR appendix XI (Compliance Supplement (previously known as the OMB Circular A-133 Compliance Supplement)).

"Comprehensive Annual Financial Report" or "CAFR" means the financial report of a governmental entity. The report contains basic financial statements, notes to the basic financial statements, and required supplementary information (RSI), plus voluntarily provided supplementary information (SI) such as an introductory section, supporting schedules with more detailed financial information than is found in the financial statements, and a statistical section.

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"Computing devices" means machines used to acquire, store, analyze, process and publish data and other information electronically, including accessories (or peripherals) for printing, transmitting and receiving, or storing electronic information.

"Conflict of interest" means a situation that arises when a person in a position of authority over an organization, such as an officer, director or manager, may benefit financially from a decision he or she could make in that capacity, including indirect benefits such as to family members or businesses with which the person is closely associated.

"Conflict of interest policy" means a policy that defines conflict of interest, identifies the classes of individuals within an organization covered by the policy, facilitates disclosure of information that may help identify conflicts of interest, and specifies procedures to be followed in managing conflicts of interest.

"Contract" means a legal instrument by which an awardee purchases property or services needed to carry out the project or program under an award. "Contract" does not include a legal instrument, even if the awardee considers it a contract, when the substance of the transaction meets the definition of an award or subaward.

"Contractor" means a person or entity that receives a contract funded through grant funds awarded by a State grant-making agency or IHE.

"Cooperative agreement" means a legal instrument of financial assistance between an awarding agency or pass-through entity and an awardee that:

is used to enter into a relationship with the principal purpose of transferring anything of value from the awarding agency or pass-through entity to the awardee to carry out a public purpose authorized by law, but is not used to acquire property or services for the awarding agency's or pass-through entity's direct benefit or use; and

is distinguished from a grant in that it provides for substantial involvement between the awarding agency or pass-through entity and the awardee in carrying out the activity contemplated by the award.

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"Cooperative agreement" does not include a cooperative research and development agreement, or an agreement that provides only direct cash assistance to an individual, a subsidy, a loan, a loan guarantee or insurance.

"Cooperative audit resolution" means the use of audit follow-up techniques that promote prompt corrective action by improving communication, fostering collaboration, promoting trust, and developing an understanding between the State or federal agency and the awardee. This approach is based upon:

a strong commitment, by federal and federal pass-through agency and awardee leadership, to program integrity;

federal and federal pass-through agencies strengthening partnerships and working cooperatively with non-federal awardee entities and their auditors, and non-federal awardee entities and their auditors working cooperatively with federal and federal pass-through agencies;

a focus on current conditions and corrective action going forward;

federal and federal pass-through agencies offering appropriate relief for past noncompliance when audits show prompt corrective action has occurred; and

federal and federal pass-through agency leadership sending a clear message that continued failure to correct conditions identified by audits that are likely to cause improper payments, fraud, waste or abuse is unacceptable and will result in sanctions.

"Corrective action" means action taken by the auditee that:

corrects identified deficiencies;

produces recommended improvements; or

demonstrates that audit findings are either invalid or do not warrant auditee action.

"COSO" means the Committee of Sponsoring Organizations of the Treadway Commission, a joint initiative of the Institute of Management Accountants (IMA),

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the American Accounting Association (AAA), the American Institute of Certified Public Accountants, (AICPA), the Institute of Internal Auditors (IIA) and Financial Executives International (FEI). COSO has established an internal control model that companies and organizations use to assess their control systems.

"Cost allocation plan" means central service cost allocation plan or public assistance cost allocation plan.

"Cost objective" means a program, function, activity, award, organizational subdivision, contract or work unit for which cost data is desired and for which provision is made to accumulate and measure the cost of processes, products, jobs and capital projects. A "cost objective" may be a major function of the awardee, a particular service or project, an award, or an indirect cost activity.

"Cost sharing" means third-party in-kind contributions and the portion of project costs not paid by federal or federal pass-through funds, unless otherwise authorized by statute. (See also the definition matching.)

"Data Universal Numbering System number" or "DUNS number" means the 9-digit number established and assigned by Dun and Bradstreet, Inc. to uniquely identify entities and, under federal law, is required for non-federal entities to apply for, receive, and report on a federal award as a unique identifier.

"Development" is the systematic use of knowledge and understanding gained from research directed toward the production of useful materials, devices, systems or methods, including design and development of prototypes and processes.

"Direct costs" means costs that can be identified specifically with a particular final cost objective, such as a federal or federal pass-through award or a particular sponsored project, an instructional activity, or any other institutional activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

"Direct lobbying" means any attempt to influence legislation or executive action through communications, with respect to a measure that is the subject of a ballot initiative, referendum or similar process, with:

any member or staff of a legislative or executive body;

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any governmental official or employee (other than a member or employee of a legislative or executive body) who may participate in formulating legislation, but only if the principal purpose of the communication is to influence legislation or executive action; or

the general public.

The communications must refer to specific legislation or executive action and must reflect a view on the legislation or executive action.

"Disallowed costs" means those charges to a federal or federal pass-through award that the federal pass-through awarding agency or pass-through entity determines to be unallowable, in accordance with the applicable State or federal statutes, regulations or the terms and conditions of the federal or federal pass-through award.

"Discretionary grant" means a grant or award for which the federal or federal pass-through awarding agency may exercise judgment (discretion) in determining the recipient and/or the amount of the award and may be issued under a competitive application process.

"Eligible applicant" means any organization that meets the eligibility requirements listed in the Notice of Funding Opportunity.

"Equipment" means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost that equals or exceeds the lesser of the capitalization level established by the awardee for financial statement purposes or \$5,000.

"Executive" means, with respect to an organization, the officers, managing partners, or any other employees in management positions. "Executive" means, with respect to the federal government, the executive branch.

"Executive branch" means that branch of State or federal government that is under the jurisdiction of the Governor or the President, respectively.

"Expenditures" means charges made by an awardee to a project or program for which a federal or federal pass-through award was received.

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The charges may be reported on a cash or accrual basis, as long as the methodology is disclosed and is consistently applied.

For reports prepared on a cash basis, expenditures are the sum of:

Cash disbursements for direct charges for property and services;

The amount of indirect expense charged;

The value of third-party in-kind contributions applied; and

The amount of cash advance payments and payments made to subrecipients.

For reports prepared on an accrual basis, expenditures are the sum of:

Cash disbursements for direct charges for property and services;

The amount of indirect expense incurred;

The value of third-party in-kind contributions applied; and

The net increase or decrease in the amounts owed by the awardee for:

Goods and other property received;

Services performed by employees, contractors, subrecipients and other payees; and

Programs for which no current services or performance are required, such as annuities, insurance claims or other benefit payments.

"FAIN" means the unique federal award identification number assigned to each federal award.

"FAR" means the Federal Acquisition Regulation (48 CFR 1).

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"F&A costs" means facilities and administrative costs (see also the definition of indirect costs).

"Federal agency" has the meaning provided for "agency" under 5 USC 551(1), together with the meaning provided for "agency" by 5 USC 552(f).

"Federal award" means:

the federal financial assistance that an awardee receives directly from a federal awarding agency or indirectly from a pass-through entity;

the cost-reimbursement contract under the Federal Acquisition Regulations that an awardee receives directly from a federal awarding agency or indirectly from a pass-through entity; or

the instrument setting forth the terms and conditions when the instrument is the grant agreement, cooperative agreement, other agreement for assistance, or cost-reimbursement contract awarded under FAR.

"Federal award" does not include other contracts that a federal agency uses to buy goods or services from a contractor or a contract to operate federal government owned, contractor-operated facilities. (See also definitions of financial assistance, grant agreement and cooperative agreement.)

"Federal awarding agency" means the federal agency that provides a federal award directly to an awardee.

"Federal award date" means the date when the federal award is signed by the authorized official of the federal awarding agency.

"Federal Debarred and Suspended List" means the list of those persons and entities who are identified as excluded on the System for Award Management (<https://www.sam.gov>), as described in UR appendix II, paragraph (i).

"Federal Financial Assistance" means any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the federal government provides or otherwise makes available assistance in the form of funds, services or federal personnel or real or personal property.

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"Federal Fiscal Year" means the period beginning on October 1 and ending on September 30.

"Federal interest" means, when used in connection with the acquisition or improvement of real property, equipment or supplies under a federal or federal pass-through award, the dollar amount that is the product of the federal share of total project costs and current fair market value of the property, improvements, or both to the extent the costs of acquiring or improving the property were included as project costs.

"Federal program" means all federal awards which are assigned a single number in the CFDA. When no CFDA number is assigned, all federal awards to non-federal entities from the same agency made for the same purpose should be combined and considered one program. "Federal program" can also mean a cluster of programs. The types of clusters of programs are:

research and development;

student financial aid; and

"other clusters", as described in the definition of cluster of programs.

"Federal share" means the portion of the total project costs that are paid by federal funds.

"Fee-for-service" means payments for Medicaid services that are made on the basis of a rate, unit cost or allowable cost incurred and is based on a statement or bill as required by the administering State or federal agency.

"FFATA" means the Federal Funding Accountability and Transparency Act (31 USC 6101; P.L. 110-252).

"Final cost objective" means a cost objective that has allocated to it both direct and indirect costs and, in the awardee's accumulation system, is one of the final accumulation points, such as a particular award, internal project or other direct activity of an awardee.

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"Final rate" means an indirect cost rate applicable to a specified past period that is based on the actual costs of the period. A final rate is not subject to adjustment.

"Financial assistance" means the following:

For grants and cooperative agreements, "financial assistance" means assistance that non-federal entities receive or administer in the form of:

grants;

cooperative agreements;

non-cash contributions or donations of property, including donated surplus property;

direct appropriations;

food commodities; and

other financial assistance, except cooperative agreements.

"Financial assistance" includes assistance that non-federal entities receive or administer in the form of loans, loan guarantees, interest subsidies and insurance.

"Financial assistance" does not include amounts received as reimbursement for services rendered to individuals.

(See also the definition of federal financial assistance).

"Fixed-amount award" means a type of grant agreement under which the awarding agency or pass-through entity provides a specific level of support without regard to actual costs incurred under the award. "Fixed amount awards" reduce some of the administrative burden and recordkeeping requirements for both the awardee and awarding agency or pass-through entity. Accountability is based primarily on performance and results.

"Fixed rate" means an indirect cost rate that has the same characteristics as a predetermined rate, except that the difference between the estimated costs and the

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actual costs of the period covered by the rate is carried forward as an adjustment to the rate computation of a subsequent period.

"Fixed-rate grant" means a type of grant agreement for non-Medicaid services in which reimbursement is made on the basis of a rate, unit cost or allowable cost incurred and is supported by a bill or statement.

"FOIA" means the Illinois Freedom of Information Act [5 ILCS 140] or the federal Freedom of Information Act (5 USC 552), as applicable.

"Foreign public entity" means:

a foreign government or foreign governmental entity;

a public international organization that is entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (22 USC 288 through 288f);

an entity owned, in whole or in part, or controlled by a foreign government; or

any other entity consisting wholly or partially of one or more foreign governments or foreign governmental entities.

"Foreign organization" means an entity that is:

a public or private organization, located in a country other than the United States and its territories, that is subject to the laws of the country in which it is located, irrespective of the citizenship of project staff or place of performance;

a private nongovernmental organization, located in a country other than the United States, that solicits and receives cash contributions from the general public;

a charitable organization, located in a country other than the United States, that is nonprofit and tax exempt under the laws of its country of domicile and operation, but is not a university, college, accredited degree-granting institution of education, private foundation, hospital,

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organization engaged exclusively in research or scientific activities, church, synagogue, mosque, or other similar entity organized primarily for religious purposes; or

an organization, located in a country other than the United States, not recognized as a foreign public entity.

"Formula-based grant" means a grant or award that is determined by a formula established in federal or State statute or rule.

"FR" means the Federal Register.

"GASB" means Governmental Accounting Standards Board.

"GATU" means the Grant Accountability and Transparency Unit within the Illinois Governor's Office of Management and Budget.

"General purpose equipment" means equipment that is not limited to research, medical, scientific or other technical activities. Examples include office equipment and furnishings, modular offices, telephone networks, information technology equipment and systems, air conditioning equipment, reproduction and printing equipment, and motor vehicles. (See also the definitions of equipment and special purpose equipment.)

"Generally Accepted Accounting Principles" or "GAAP" has the meaning provided in accounting standards issued by the Government Accounting Standards Board and the Financial Accounting Standards Board.

"Generally Accepted Government Auditing Standards" or "GAGAS", also known as the Yellow Book, means generally accepted government auditing standards issued by the Comptroller General of the United States that are applicable to financial audits.

"GFRA" means the Grant Funds Recovery Act.

"GOCO" means a State or federal government-owned, contractor-operated facility.

"GOMB" means the Illinois Governor's Office of Management and Budget.

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"Grant agreement" means a legal instrument of financial assistance between an awarding agency or pass-through entity and an awardee that:

is used to enter into a relationship, the principal purpose of which is to transfer anything of value from the federal awarding agency or pass-through entity to the awardee to carry out a public purpose authorized by law and not to acquire property or services for the awarding agency's or pass-through entity's direct benefit or use; and

is distinguished from a cooperative agreement in that it does not provide for substantial involvement between the federal awarding agency or pass-through entity and the awardee in carrying out the activity contemplated by the award.

"Grant agreement" does not include an agreement that provides only direct cash assistance to an individual, a subsidy, a loan, a loan guarantee or insurance.

"Grant application" means a specified form that is completed by an entity in connection with a request for a specific funding opportunity or a request for financial support of a project or activity.

"Grassroots lobbying" means a call to action that attempts to influence legislation or executive action by influencing public opinion. To be considered grassroots lobbying, the communication must:

refer to specific legislation or specific executive action;

reflect a view on the legislation or executive action; and

encourage the recipient to take action with respect to that legislation or executive action.

"HFS Suspended List" means the list, maintained by the Illinois Department of Healthcare and Family Services, of persons and entities who are debarred, suspended or otherwise excluded from the receipt of federally financed Medicaid. The list may be viewed on the HFS website at <http://www.state.il.us/agency/oig/sanctionlist.asp>.

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"Hospital" means a facility licensed as a hospital under the law of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.

"IHE" means an Institution of Higher Education as defined at 20 USC 1001(a).

"Illinois Debarred and Suspended List" means the list maintained by the Governor's Office of Management and Budget that contains the names of those individuals and entities that are ineligible, either temporarily or permanently, from receiving an award of grant funds, regardless of source, from the State.

"ILSAC" means the Illinois Single Audit Commission.

"Improper payment" means any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements. "Improper payment" includes any payment to an ineligible party, any payment for an ineligible good or service, any duplicate payment, any payment for a good or service not received (except when these payments are authorized by federal statute), any payment that does not account for credit for applicable discounts, and any payment in which insufficient or lack of documentation prevents a reviewer from discerning whether a payment was proper.

"Indirect (facilities & administrative (F&A)) costs" or "indirect facilities and administrative costs" means those costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted without effort disproportionate to the results achieved. To facilitate equitable distribution of indirect expenses to the cost objectives served, it may be necessary to establish a number of pools of indirect costs. Indirect cost pools must be distributed to benefitted cost objectives on bases that will produce an equitable result in consideration of relative benefits derived. (See also the definition of F&A costs.)

"Indirect cost rate proposal" means the documentation prepared by an awardee to substantiate its request for the establishment of an indirect cost rate for the reimbursement of indirect costs. This proposal provides the basis for the review and negotiation leading to the establishment of an organization's indirect cost rate.

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"Information technology systems" means computing devices, ancillary equipment, software, firmware, and similar procedures, services (including support services), and related resources. (See also UR sections 200.20 (computing devices) and 200.33 (equipment).)

"Inspector General" means the Office of Executive Inspector General for Illinois.

"Intangible property" means property having no physical existence, such as trademarks, copyrights, patents and patent applications and property, such as loans, notes and other debt instruments, lease agreements, stock and other instruments of property ownership (whether the property is tangible or intangible).

"Intermediate cost objective" means a cost objective that is used to accumulate indirect costs or service center costs that are subsequently allocated to one or more indirect cost pools or final cost objectives. (Also see the definitions of cost objective and final cost objective.)

"Internal controls" means a process, implemented by an awardee, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

Effectiveness and efficiency of operations;

Reliability of reporting for internal and external use; and

Compliance with UR sections 200.62 and 200.303 and the Illinois Fiscal Control and Internal Auditing Act.

"Internal control over compliance requirements for federal or federal pass-through awards" means a process implemented by an awardee designed to provide reasonable assurance regarding the achievement of the following objectives for federal or federal pass-through awards:

Transactions are properly recorded and accounted for, in order to:

Permit the preparation of reliable financial statements and federal and federal pass-through reports;

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Maintain accountability over assets; and

Demonstrate compliance with State and federal statutes, regulations, and the terms and conditions of the federal or federal pass-through award;

Transactions are executed in compliance with:

State and federal statutes, regulations, and terms and conditions of the federal or federal pass-through award that could have a direct and material effect on a federal or federal pass-through program; and

Any other State or federal statutes and regulations that are identified in the Compliance Supplement; and

Funds, property and other assets are safeguarded against loss from unauthorized use or disposition.

"IRC" means the Internal Revenue Code.

"Lobbying" means communication that is intended to influence legislation or executive action. (See the definitions of direct lobbying and grassroots lobbying.)

"Local government" means any entity defined as a unit of local government by Article VII, Section 1 of the Illinois Constitution and includes school districts.

"Maintenance of effort" means a requirement contained in a program's authorizing legislation or program regulations stating that, in order to receive federal grant funds, a recipient must agree to maintain a specified level of financial effort for the grant from its own resources and other non-federal sources.

"Major program" means a federal program determined by the auditor to be a major program in accordance with UR section 200.518 (Major program determination) or a program identified as a major program by a federal awarding agency or pass-through entity in accordance with UR section 200.503 (Relation to other audit requirements), paragraph (e).

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"Management decision" means the evaluation by the federal awarding agency or pass-through entity of the audit findings and corrective action plan and the issuance of a written decision to the auditee as to what corrective action is necessary.

"Mandatory formula-based grant" or "mandatory grant" means noncompetitive grant funding that is allocated to recipients based upon a set of pre-existing criteria, such as population and/or other census criteria; all applicants who meet the minimum requirements of the application process are entitled to receive money.

"Matching" means third-party in-kind contributions and the portion of project costs not paid by federal funds, unless otherwise authorized by statute. (See the definition of cost sharing.)

"Micro-purchase" means a purchase of supplies or services using simplified acquisition procedures (see Section 7000.30), the aggregate amount of which does not exceed the micro-purchase threshold. Micro-purchase procedures comprise a subset of an awardee's small purchase procedures. The awardee uses such procedures in order to expedite the completion of its lowest-dollar small purchase transactions and minimize the associated administrative burden and cost. The micro-purchase threshold is set by 48 CFR Subpart 2.1 (Definitions). It is \$3,000 except as otherwise discussed in Subpart 2.1, but this threshold is periodically adjusted for inflation.

"Modified Total Direct Cost" or "MTDC" means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and subawards up to the first \$25,000 of each subaward (regardless of the period of performance of the subawards under the award). MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000. Other items may only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs, and with the approval of the cognizant agency for indirect costs.

"Negotiated rate" means the indirect (F&A) cost rate negotiated with and accepted by the federal or State awarding agency. Per the rate agreement, negotiated rates include final, fixed and predetermined rates and exclude provisional rates.

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"Non-federal entity" means a state, local government, institution of higher education, or organization, whether nonprofit or for-profit, that carries out a federal or federal pass-through award as a recipient or subrecipient. (See also the definition of awardee.)

"Nonprofit organization" means any corporation, trust, association, cooperative or other organization, not including institutions of higher education, that:

is operated primarily for scientific, educational, service, charitable or similar purposes in the public interest;

is not organized primarily for profit; and

uses net proceeds to maintain, improve or expand the operations of the organization.

"Notice of award" means the published announcement by a federal or State agency as a pass-through entity that a specific grant will be awarded to an awardee.

"Notice of funding opportunity" means an agency's formally issued announcement of the availability of federal or federal pass-through funding through one of its financial assistance programs. The announcement provides eligibility and evaluation criteria, funding preferences/priorities, the submission deadline, and information on how to obtain application kits.

"Obligations", when used in connection with an awardee's utilization of funds under an award, means:

orders placed for property and services;

contracts and subawards; and

similar transactions,

during a given period that require payment by the awardee during the same or future period.

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"Office of Management and Budget" or "OMB" means the federal Office of Management and Budget of the Executive Office of the President.

"Oversight agency for audit" means the federal awarding agency that provides the predominant amount of funding directly to an awardee not assigned a cognizant agency for audit. When there is no direct funding, the awarding agency that is the predominant source of pass-through funding must assume the oversight responsibilities. The duties of the oversight agency for audit and the process for any reassignments are described in UR section 200.513 (Responsibilities), paragraph (b).

"Participant support costs" means direct costs for items such as stipends or subsistence allowances, travel allowances, and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with conferences or training projects.

"Pass-through entity" or "PTE" means an awardee that provides a subaward to a subrecipient to carry out part of a program.

"Performance goal" means a target level of performance expressed as a tangible, measurable objective, against which actual achievement can be compared, including a goal expressed as a quantitative standard, value or rate. In some instances (e.g., discretionary research awards), this may be limited to the requirement to submit technical performance reports (to be evaluated in accordance with State or federal agency policy).

"Period of performance" means the time during which the awardee may incur new obligations to carry out the work authorized under the federal or federal pass-through award. The federal awarding agency or federal pass-through entity must include start and end dates of the period of performance in the award (see section 200.210 (Information contained in a federal award), paragraph (a)(5) and section 200.331 (Requirements for pass-through entities), paragraph (a)(1)(D).

"Personal property" means property other than real property. It may be tangible, having physical existence, or intangible.

"Personally Identifiable Information" or "PII" means information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific

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individual. Some information that is considered to be PII is available in public sources such as telephone books, public websites and university listings. This type of information is considered to be public PII and includes, for example, first and last name, address, work telephone number, email address, home telephone number, and general educational credentials. The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. Non-PII can become PII whenever additional information is made publicly available, in any medium and from any source that, when combined with other available information, could be used to identify an individual.

"Predetermined rate" means an indirect cost rate, applicable to a specified current or future period, usually the organization's fiscal year. The rate is based on an estimate of the costs to be incurred during the period. A predetermined rate is not subject to adjustment.

"Prior approval" or "Prior written approval" means an authorization by one party, provided in writing to another party, to proceed in a specified manner.

"Private award" means an award from a person or entity other than a state or federal entity. Private awards are not subject to GATA.

"Program income" means gross income received by the non-federal awardee directly generated by a supported activity, or earned only as a result of the federal award during the period of performance, except as provided in UR section 200.307, paragraph (f) (also see the definition of period of performance). Program income includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under federal awards, the sale of commodities or items fabricated under a federal or federal pass-through award, license fees and royalties on patents and copyrights, and principal and interest on loans made with federal or federal pass-through award funds. Interest earned on advances of federal or federal award funds is not program income. Except as otherwise provided in State or federal statutes, regulations, or the terms and conditions of the federal award, program income does not include rebates, credits, discounts and interest earned on any of them.

"Project cost" means total allowable costs incurred under an award and all required cost sharing and voluntary committed cost sharing, including third-party contributions.

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"Property" means real property or personal property.

"Protected Personally Identifiable Information" or "Protected PII" means an individual's first name or first initial and last name in combination with any one or more types of information, including, but not limited to, social security number, passport number, credit card numbers, security clearances, bank numbers, biometrics, date and place of birth, mother's maiden name, criminal, medical and financial records, and educational transcripts. This does not include PII that is required by law to be disclosed. (See also the definition of Personally Identifiable Information.)

"Provisional rate" means a temporary indirect cost rate applicable to a specified period that is used for funding, interim reimbursement, and reporting indirect costs on federal or federal pass-through awards pending the establishment of a final rate for the period.

"Public institutions of higher education" has the meaning provided in Section 1 of the Board of Higher Education Act [110 ILCS 205].

"Questioned cost" means a cost that is questioned by the auditor because of an audit finding:

That resulted from a violation or possible violation of a statute, regulation, or the terms and conditions of a State or federal award, including for funds used to match State or federal funds;

When the costs, at the time of the audit, are not supported by adequate documentation; or

When the costs incurred appear unreasonable and do not reflect the actions a prudent person would take in the circumstances.

"Real property" means land, including land improvements, structures and appurtenances thereto, but excludes moveable machinery and equipment.

"Recipient" means an awardee that receives an award directly from a federal awarding agency to carry out an activity under a program. "Recipient" does not include subrecipients. (See the definition of non-federal entity.)

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"Research and Development" or "R&D" means all research activities, both basic and applied, and all development activities that are performed by non-federal entities. "Research" is defined as a systematic study directed toward fuller scientific knowledge or understanding of the subject studied. "Development" is the systematic use of knowledge and understanding gained from research directed toward the production of useful materials, devices, systems or methods, including design and development of prototypes and processes.

"SAM" means the federal System for Award Management (<https://www.sam.gov>).

"Simplified acquisition threshold" means the dollar amount below which an awardee may purchase property or services using small purchase methods. Non-federal entities adopt small purchase procedures in order to expedite the purchase of items costing less than the simplified acquisition threshold. The simplified acquisition threshold is set by 48 CFR Subpart 2.1 (Definitions) and in accordance with 41 USC 1908. The current simplified acquisition threshold is \$150,000, but this threshold is periodically adjusted for inflation. (See the definition of micro-purchase.)

"Single Audit Act" means the federal Single Audit Act Amendments of 1996 (31 USC 7501 through 7507).

"Special purpose equipment" means equipment that is used only for research, medical, scientific or other technical activities. Examples of special purpose equipment include microscopes, x-ray machines, surgical instruments and spectrometers.

"State agency" means an executive branch agency. For purposes of GATA, "State agency" does not include public institutions of higher education.

"State fiscal year" means the period beginning on July 1 and ending on June 30.

"State grant-making agency" means a State agency that provides an award to an awardee. "State grant-making agency" has the same meaning as "State awarding agency".

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"State interest" means the acquisition or improvement of real property, equipment or supplies under a State award, the dollar amount that is the product of the State share of the total project costs and current fair market value of the property, improvements, or both, to the extent the costs of acquiring or improving the property were included as project costs.

"Student Financial Aid" or "SFA" means federal awards under those programs of general student assistance, such as those authorized by Title IV of the Higher Education Act of 1965, as amended (20 USC 1070 through 1099d), that are administered by the United States Department of Education and similar programs provided by other federal agencies. "Student Financial Aid" does not include federal awards under programs that provide fellowships or similar federal awards to students on a competitive basis or for specified studies or research. Individual direct recipients are not subject to the controls required by this Part.

"Subaward" means a federal award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a federal award received by the pass-through entity. "Subaward" does not include payments to a contractor or payments to an individual who is a beneficiary of a federal program. A "subaward" may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

"Subrecipient" means an awardee that receives a federal subaward from a pass-through entity to carry out part of a federal program. "Subrecipient" does not include an individual who is a beneficiary of the program. A "subrecipient" may also be a recipient of other federal awards directly from a federal awarding agency.

"Supplies" means all tangible personal property other than those described in the definition of equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the awardee for financial statement purposes or \$5,000, regardless of the length of its useful life. (See the definitions of computing devices and equipment.)

"Suspension" means a post-award action by the federal agency or pass-through entity that temporarily withdraws the federal agency's or pass-through entity's financial assistance sponsorship under an award, pending corrective action by the recipient or subrecipient or pending a decision to terminate the award.

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"Termination" means the ending of a federal or federal pass-through award, in whole or in part, at any time prior to the planned end of the period of performance.

"Third-party in-kind contributions" means the value of non-cash contributions (i.e., property or services) that benefit a State- or federally-assisted project or program and are contributed by non-federal third parties, without charge, to an awardee under a State or federal award.

"Total compensation" means the cash and noncash dollar value earned by the executive during the grantee's or subrecipient's preceding fiscal year and includes the following: salary and bonus; awards of stock, stock options and stock appreciation rights; earnings for services under non-equity incentive plans; and change in pension value.

"Unallowable cost" means a cost specified by law or regulation, federal cost principles, or the terms and conditions of an award that may not be reimbursed under a grant or cooperative agreement.

"Uniform Administrative Requirements, Costs Principles, and Audit Requirements for Federal Awards" or "Uniform Requirements" or "UR" means those rules applicable to grants contained in 2 CFR 200.

"Unliquidated obligations" means, for financial reports prepared on a cash basis, obligations incurred by the awardee that have not been paid (liquidated). For reports prepared on an accrual expenditure basis, these are obligations incurred by the awardee for which an expenditure has not been recorded.

"Unobligated balance" means the amount of funds under a State or federal award that the awardee has not obligated. The amount is computed by subtracting the cumulative amount of the awardee's unliquidated obligations and expenditures of funds under the State or federal award from the cumulative amount of the funds that the State awarding agency or pass-through entity authorized the awardee to obligate.

"USC" means the United States Code.

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"Voluntary committed cost sharing" means cost sharing specifically pledged on a voluntary basis in the proposal's budget or the award on the part of the awardee and that becomes a binding requirement of the award. [30 ILCS 708/15]

Section 7000.30 Incorporations and Referenced Materials

- a) References to Federal and State Statutes
 - 1) Federal Statutes
 - A) Cash Management Improvement Act (31 USC 1)
 - B) Federal Funding Accountability and Transparency Act (31 USC 6101)
 - C) Freedom of Information Act (5 USC 552)
 - D) Improper Payments Elimination and Recovery Act of 2012 (31 USC 3321 note)
 - E) Internal Revenue Code (26 USC)
 - F) Simplified Acquisition Procedures: Inflation adjustment of acquisition-related dollar thresholds (41 USC 1908)
 - G) Single Audit Act of 1984 as amended by the Single Audit Act Amendments of 1996 (31 USC 7501)
 - 2) Illinois Statutes
 - A) Grant Accountability and Transparency Act [30 ILCS 708]
 - B) Fiscal Control and Internal Auditing Act [30 ILCS 10]
 - C) Freedom of Information Act [5 ILCS 140]
 - D) Illinois Grant Funds Recovery Act [30 ILCS 705]; Section 15.1 creates the Illinois Single Audit Commission

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- E) Illinois State Auditing Act [30 ILCS 5]
 - F) Board of Higher Education Act [110 ILCS 205]
- b) Incorporations By Reference
- 1) Federal Regulations
 - A) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200 (December 2014)):
 - i) Subpart B – General Provisions
 - ii) Subpart C – Pre-Federal Award Requirements and Contents of Federal Awards
 - iii) Subpart D – Post Federal Award Requirements
 - iv) Subpart E – Cost Principles
 - v) Subpart F – Audit Requirements
 - vi) Appendix I – Full Text of Notice of Funding Opportunity
 - vii) Appendix II – Contract Provisions for Non-Federal Entity Contracts Under Federal Awards
 - viii) Appendix III – Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs)
 - ix) Appendix IV – Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations
 - x) Appendix V – State/Local Government and Indian Tribe-Wide Central Service Cost Allocation Plans
 - xi) Appendix VI – Public Assistance Cost Allocation Plans

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- xii) Appendix VII – States and Local Government and Indian Tribe Indirect Cost Proposals
- xiii) Appendix VIII – Nonprofit Organizations Exempted From Subpart E – Cost Principles
- xiv) Appendix IX – Hospital Cost Principles
- xv) Appendix X – Data Collection Form (Form SF-SAC)
- xvi) Appendix XI – Compliance Supplement
- B) Cost Accounting Standards (48 CFR 9904 (2014))
- C) Federal Acquisition Regulations System (48 CFR Ch. 1 (2014))
- D) Rules and Procedures for Efficient Federal-State Funds Transfers (31 CFR 205)
- 2) Government Auditing Standards (Yellow Book), U.S. Government Accountability Office by the Comptroller General of the United States (2011 Revision) (<http://www.gao.gov/yellowbook>)
- 3) No later editions of the regulations and standards listed in subsection (b) are incorporated in this Part.

Section 7000.40 Governor's Office of Management and Budget Responsibilities

- a) Grant Accountability and Transparency Unit. *GOMB shall, on or before July 1, 2014, establish a centralized unit known as GATU. The unit shall be funded with a portion of the administrative funds provided under existing and future federal pass-through grants. The amounts charged will be allocated based on the actual cost of the services provided to State grant-making agencies and public institutions of higher education in accordance with the applicable federal cost principles contained in 2 CFR 200. The Act does not cause a reduction in the amount of any State or federal grant awards that have been or will be directed towards State agencies or public institutions of higher education. [30 ILCS 708/55]*

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- b) GOMB Responsibilities. *GOMB shall:*
- 1) *provide technical assistance and interpretations of policy requirements in order to ensure effective and efficient implementation of the Act by State grant-making agencies [30 ILCS 708/55];*
 - 2) *have authority to approve any exceptions to the requirements of the Act, and shall adopt rules governing the criteria to be considered when an exception is requested. Exceptions shall only be made in particular cases in which adequate justification is presented [30 ILCS 708/55];*
 - 3) *adopt rules regarding conflict of interest policies for awards. A non-federal entity must disclose in writing any potential conflict of interest to the pass-through entity in accordance with applicable awarding agency policy [30 ILCS 708/35];*
 - 4) *with the advice and technical assistance of ILSAC, adopt rules requiring that the applicant for an award disclose, in a timely manner and in writing, to the pass-through entity all violations of State or federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the award. Failure to make the required disclosures may result in any of the following remedial actions:*
 - A) *The temporary withholding of cash payments pending correction of the deficiency by the awarding agency or non-federal entity or more severe enforcement action by the pass-through entity;*
 - B) *Disallowance of (that is, denial of both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance;*
 - C) *Whole or partial suspension or termination of the award;*
 - D) *Initiation of suspension or debarment proceedings authorized under this Part and awarding agency rules (or, in the case of a pass-through entity, recommendation that such a proceeding be initiated by the awarding agency);*

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- E) *Withholding further awards for the project or program;*
- F) *Taking any other remedial action that may be available. [30 ILCS 708/40]*

Section 7000.50 Grant Accountability and Transparency Unit Responsibilities

- a) *GATU shall be responsible for:*
 - 1) *The development of minimum requirements applicable to the staff of grant applicants to manage and execute grant awards for programmatic and administrative purposes, including grant management specialists with:*
 - A) *general and technical competencies;*
 - B) *programmatic expertise;*
 - C) *fiscal expertise and systems necessary to adequately account for the source and application of grant funds for each program; and*
 - D) *knowledge of compliance requirements;*
 - 2) *The development of minimum training requirements, including annual training requirements;*
 - 3) *Accurate, current, and complete disclosure of the financial results of each funded award, as set forth in UR sections 200.327 through 200.329;*
 - 4) *Development of criteria for requiring the retention of a fiscal agent and for becoming a fiscal agent;*
 - 5) *Development of disclosure requirements in the grant application pertaining to:*
 - A) *related-party status between grantees and grant-making agencies;*
 - B) *past employment of applicant officers and grant managers;*

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- C) *disclosure of current or past employment of members of immediate family; and*
 - D) *disclosure of senior management of grantee organization and their relationships with contracted vendors;*
 - 6) *Implementation of rules prohibiting a grantee from charging any cost allocable to a particular award or cost objective to other State or federal awards to overcome fund deficiencies, to avoid restrictions imposed by law or terms of the federal awards, or for other reasons;*
 - 7) *Implementation of rules prohibiting a non-federal entity from earning or keeping any profit resulting from State or federal financial assistance, unless prior approval has been obtained from GOMB and is expressly authorized by the terms and conditions of the award;*
 - 8) *Maintenance of an Illinois Debarred and Suspended List that contains the names of those individuals and entities that are ineligible, either temporarily or permanently, to receive an award of grant funds from the State;*
 - 9) *Ensuring the adoption of standardized rules for the implementation of the Act by State grant-making agencies. GATU shall provide such advice and technical assistance to the State grant-making agencies as is necessary or indicated in order to ensure compliance with the Act;*
 - 10) *Coordination of financial and single audit reviews;*
 - 11) *Coordination of on-site reviews of grantees and subrecipients; and*
 - 12) *Maintenance of the Catalog of State Financial Assistance (see Section 7000.60), which is available to the public at <http://csfa.illinois.gov>.*
- b) *GATU shall have no power or authority regarding the approval, disapproval, management, or oversight of grants entered into or awarded by a State agency or by a public institution of higher education. The power or authority existing under law to grant or award grants by a State agency or by a public IHE shall remain with that State agency or public IHE. GATU shall be responsible for reviewing and approving amendments to the Administrative Code proposed by State grant*

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agencies in connection with the implementation of the Act and shall be responsible for establishing standardized policies and procedures for State grant-making agencies in order to ensure compliance with the Uniform Requirements, all of which must be adhered to by the State grant-making agencies throughout the life cycle of the grant.

- c) *The powers and functions of grant-making by State agencies or public IHE may not be transferred to, nor may prior grant approval be transferred to, any other person, office or entity within the executive branch of State government. [30 ILCS 708/60]*

Section 7000.60 Catalog of State Financial Assistance

The Catalog of State Financial Assistance is a single, authoritative, statewide, comprehensive source document of State financial assistance program information maintained by GATU. The Catalog shall contain, at a minimum, the following information:

- a) *An introductory section that contains Catalog highlights, an explanation of how to use the Catalog, an explanation of the Catalog and its contents, and suggested grant proposal writing methods and grant application procedures;*
- b) *A comprehensive indexing system that categorizes programs by issuing agency, eligible applicant, application deadlines, function, popular name, and subject area;*
- c) *Comprehensive appendices showing State assistance programs that require coordination through the Act and regulatory, legislative, and Executive Order authority for each program, commonly used abbreviations and acronyms, agency regional and local office addresses, and sources of additional information;*
- d) *A list of programs that have been added to or deleted from the Catalog and the various program numbers and title changes;*
- e) *Program number, title, and popular name, if applicable;*
- f) *The name of the State department or agency or independent agency and primary organization sub-unit administering the program;*

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- g) *The enabling legislation, including popular name of the Act, titles and Sections, Public Act number, and citation to the Illinois Compiled Statutes;*
- h) *The type or types of financial and nonfinancial assistance offered by the program;*
- i) *Uses and restrictions placed upon the program;*
- j) *Eligibility requirements, including applicant eligibility criteria, beneficiary eligibility criteria, and required credentials and documentation;*
- k) *Objectives and goals of the program;*
- l) *Information regarding application and award processing; application deadlines; range of approval or disapproval time; appeal procedure; and availability of a renewal or extension of assistance;*
- m) *Assistance considerations, including an explanation of the award formula, matching requirements, and the length and time phasing of the assistance;*
- n) *Post-assistance requirements, including any reports, audits, and records that may be required;*
- o) *Program accomplishments (where available) describing quantitative measures of program performance;*
- p) *Regulations, guidelines, and literature containing citations to the Illinois Administrative Code, the Code of Federal Regulations, and other pertinent informational materials; and*
- q) *The names, telephone numbers, and e-mail addresses of persons to be contacted for detailed program information at the headquarters, regional, and local levels.*
[30 ILCS 708/30]

Section 7000.70 Auditing Standards

- a) **Effective Date for Standards**
The standards set forth in UR Subpart F, and any other standards that apply directly to State or federal agencies, shall apply to audits of fiscal years beginning on or after December 26, 2014.

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- b) **Availability of Records**
Awardees must make their books and records *available for review or audit by appropriate officials of the pass-through entity or awarding agency, the Auditor General, the Executive Inspector General, appropriate officials of the federal awarding agency, and the federal Government Accountability Office.* [30 ILCS 708/65(b)]
- c) **Exemptions**
- 1) **Auditor General.** *This Act does not affect the provisions of the Illinois State Auditing Act and does not address the external audit function of the Auditor General.* [30 ILCS 708/65(d)]
- 2) **For-Profit Subrecipients**
- A) *The requirements of UR subpart F do not apply to for-profit subrecipients because for-profit subrecipients are not subject to the requirements of UR subpart F, Audits of States, Local and Non-Profit Organizations. Audits of for-profit subrecipients must be conducted pursuant to a Program Audit Guide issued by the Federal awarding agency. If a Program Audit Guide is not available, the State awarding agency must prepare a Program Audit Guide in accordance with the OMB Circular A-133 Compliance Supplement (see UR appendix IX; the Supplement can be found at https://www.whitehouse.gov/omb/circulars_default). For-profit entities are subject to all other general administrative requirements and cost principles applicable to grants.* [30 ILCS 708/20(a)]
- B) *State grant-making agencies shall, with the advice and technical assistance of GOMB, establish requirements, as necessary, to ensure compliance by for-profit subrecipients. Agreements with for-profit subrecipients shall describe the applicable compliance requirements and the for-profit subrecipient's compliance responsibility. Methods to ensure compliance for State and federal pass-through awards made to for-profit subrecipients shall include pre-award audits, monitoring during the agreement, and post-award audits.* [30 ILCS 708/20(d)]

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Section 7000.80 Annual Report and 5-Year Review

- a) **Annual Report**
Effective January 1, 2016 and each January 1 thereafter, GOMB, in conjunction with ILSAC, shall submit to the Governor and the General Assembly a report that demonstrates the efficiencies, cost savings and reductions in fraud, waste and abuse as a result of the implementation of the Act and this Part. The report shall include, but not be limited to:
- 1) *the number of entities placed on the Illinois Debarred and Suspended List;*
 - 2) *any savings realized as a result of the implementation of the Act;*
 - 3) *any reduction in the number of duplicative audits;*
 - 4) *the number of persons trained to assist grantees and subrecipients; and*
 - 5) *the number of grantees and subrecipients to whom a fiscal agent was assigned. [30 ILCS 708/95]*
- b) **5-Year Review**
GOMB shall review the Act and this Part at least once every 5 years after December 26, 2014 (in conjunction with the federal review of the UR as required by 2 CFR 200.109) to determine whether any existing rules need to be revised or new rules adopted. [30 ILCS 708/70]

SUBPART B: STATE AGENCY RESPONSIBILITIES AND IMPLEMENTATION

Section 7000.100 State Grant-making Agency Responsibilities

- a) *The specific requirements and responsibilities of State grant-making agencies and non-federal entities are set forth in the Act. State agencies making State awards to non-federal entities must adopt by rule UR subparts C through F by July 1, 2016 unless different provisions are required by law.*
- b) *Each State grant-making agency shall appoint a Chief Accountability Officer who shall serve as a liaison to GATU and who shall be responsible for the State agency's implementation of and compliance with the Uniform Requirements and this Part.*

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- c) *In order to effectively measure the performance of its recipients and subrecipients, each State grant-making agency shall:*
- 1) *require its recipients and subrecipients to relate financial data to performance accomplishments of the award and, when applicable, must require recipients and subrecipients to provide cost information to demonstrate cost-effective practices. The recipient's and subrecipient's performance should be measured in a way that will help the State agency to improve program outcomes, share lessons learned, and spread the adoption of promising practices; and*
 - 2) *provide recipients and subrecipients with clear performance goals, indicators, and milestones and must establish performance reporting frequency and content to not only allow the State agency to understand the recipient's progress, but also to facilitate identification of promising practices among recipients and subrecipients and build the evidence upon which the State agency's program and performance decisions are made.*
- d) *Each grant-making agency shall enhance its processes to monitor and address noncompliance with reporting requirements and with program performance standards. When applicable, the process may include a corrective action plan. The monitoring process shall include a plan for tracking and documenting performance-based contracting decisions. [30 ILCS 708/45(g)]*
- e) *GOMB shall provide such advice and technical assistance to the State grant-making agencies as is necessary or indicated in order to ensure compliance with the Act. [30 ILCS 708/50]*

Section 7000.110 State Grant-making Agency Implementation

- a) *State grant-making agencies shall implement the policies and procedures applicable to federal and federal pass-through awards by adopting, on or before July 1, 2015, rules for non-federal entities that shall take effect for fiscal years on and after December 26, 2014, unless different provisions are required by State or federal statute or federal rule.*
- b) *The standards set forth in the Act, which affect administration of federal and federal pass-through awards issued by State grant-making agencies, become*

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effective once adopted as rules by the State grant-making agencies. [30 ILCS 708/90]

Section 7000.120 Institution of Higher Education Responsibilities and Implementation

- a) *For public institutions of higher education, this Part applies only to awards funded by State appropriations and federal pass-through awards from a State agency to public institutions of higher education. Federal pass-through awards from a State agency to public institutions of higher education are governed by and must comply with federal guidelines under the UR.* [30 ILCS 708/20(c)]
- b) *The standards set forth in the Act, which affect administration of federal pass-through awards issued by State grant-making agencies to IHEs, become effective once adopted as rules by BHE or ISAC, as applicable.* [30 ILCS 708/90]
- c) Specific requirements and responsibilities of IHE are set forth in the Act and the UR.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
148.25	Amendment
148.30	Amendment
148.40	Amendment
148.140	Amendment
148.210	Amendment
148.297	Amendment
148.400	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rules: July 27, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any materials 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*: December 26, 2014; 38 Ill. Reg. 23861
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The following changes have been made to subsection (g)(4) of Section 148.140: after the word "Effective" added "with dates of service" and added "through June 30, 2015" after "July 1, 2013".
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

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<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
148.299	Amendment	39 Ill. Reg. 10334; July 24, 2015

- 15) Summary and Purpose of Rulemaking: The rulemaking provides an add-on payment to hospitals and freestanding chronic dialysis centers for outpatient renal dialysis treatments or home dialysis treatments by \$60 per treatment day. The add-on payment is effective with services provided on and after July 1, 2013 through June 30, 2015, which was inadvertently stricken in the Hospital Rate Reform rulemaking.
- 16) Information and questions regarding these adopted rules shall be directed to:

Mollie Zito
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 148

HOSPITAL SERVICES

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148.90	Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments (Repealed)
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- 148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act (Repealed)
- 148.180 Payment for Pre-operative Days and Patient Specific Orders
- 148.190 Copayments
- 148.200 Alternate Reimbursement Systems (Repealed)
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- 148.260 Calculation and Definitions of Inpatient Per Diem Rates (Repealed)
- 148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals (Repealed)
- 148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements (Repealed)
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- 148.290 Adjustments and Reductions to Total Payments
- 148.295 Critical Hospital Adjustment Payments
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- 148.297 Physician Development Incentive Payments
- 148.298 Pediatric Inpatient Adjustment Payments (Repealed)
- 148.299 Medicaid Facilitation and Utilization Payments
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148.476	Ambulatory Service Adjustment Payments
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148.800	General Provisions
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148.TABLE A	Renal Participation Fee Worksheet
148.TABLE B	Bureau of Labor Statistics Equivalence
148.TABLE C	List of Metropolitan Counties by SMSA Definition

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

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722,

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effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg.

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17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005; emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 11622, effective July 5, 2005, for the remainder of the 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005; emergency amendment at 29 Ill. Reg. 10275, effective July 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12568, effective August 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19973, effective November 23, 2005; amended at 30 Ill. Reg. 383, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 596, effective January 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 955, effective January 9, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 2827, effective February 24, 2006; emergency amendment at 30 Ill. Reg. 7786, effective April 10, 2006, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 12400, effective July 1, 2006, for the remainder of the 150 days; emergency expired September 6, 2006; amended at 30 Ill. Reg. 8877, effective May 1, 2006; amended at 30 Ill. Reg. 10393, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11815, effective July 1, 2006, for a

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maximum of 150 days; amended at 30 Ill. Reg. 18672, effective November 27, 2006; emergency amendment at 31 Ill. Reg. 1602, effective January 1, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 1997, effective January 15, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 5596, effective April 1, 2007; amended at 31 Ill. Reg. 8123, effective May 30, 2007; amended at 31 Ill. Reg. 8508, effective June 1, 2007; emergency amendment at 31 Ill. Reg. 10137, effective July 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11688, effective August 1, 2007; amended at 31 Ill. Reg. 14792, effective October 22, 2007; amended at 32 Ill. Reg. 312, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 518, effective January 1, 2008, for a maximum of 150 days; emergency amendment at 32 Ill. Reg. 2993, effective February 16, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 8718, effective May 29, 2008; amended at 32 Ill. Reg. 9945, effective June 26, 2008; emergency amendment at 32 Ill. Reg. 10517, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 33 Ill. Reg. 501, effective December 30, 2008; preemptory amendment at 33 Ill. Reg. 1538, effective December 30, 2008; emergency amendment at 33 Ill. Reg. 5821, effective April 1, 2009, for a maximum of 150 days; emergency expired August 28, 2009; amended at 33 Ill. Reg. 13246, effective September 8, 2009; emergency amendment at 34 Ill. Reg. 15856, effective October 1, 2010, for a maximum of 150 days; emergency expired February 27, 2011; amended at 34 Ill. Reg. 17737, effective November 8, 2010; amended at 35 Ill. Reg. 420, effective December 27, 2010; expedited correction at 38 Ill. Reg. 12618, effective December 27, 2010; amended at 35 Ill. Reg. 10033, effective June 15, 2011; amended at 35 Ill. Reg. 16572, effective October 1, 2011; emergency amendment at 36 Ill. Reg. 10326, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 148.70(g) suspended at 36 Ill. Reg. 13737, effective August 15, 2012; suspension withdrawn from Section 148.70(g) at 36 Ill. Reg. 18989, December 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 148.70(g) at 36 Ill. Reg. 18976, effective December 12, 2012 through June 30, 2013; emergency amendment to Section 148.140(b)(1)(F) suspended at 36 Ill. Reg. 13739, effective August 15, 2012; suspension withdrawn from Section 148.140(b)(1)(F) at 36 Ill. Reg. 14530, September 11, 2012; emergency amendment to Sections 148.140(b) and 148.190(a)(2) in response to Joint Committee on Administrative Rules action at 36 Ill. Reg. 14851, effective September 21, 2012 through June 30, 2013; amended at 37 Ill. Reg. 402, effective December 27, 2012; emergency rulemaking at 37 Ill. Reg. 5082, effective April 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 10432, effective June 27, 2013; amended at 37 Ill. Reg. 17631, effective October 23, 2013; amended at 38 Ill. Reg. 4363, effective January 29, 2014; amended at 38 Ill. Reg. 11557, effective May 13, 2014; amended at 38 Ill. Reg. 13263, effective June 11, 2014; amended at 38 Ill. Reg. 15165, effective July 2, 2014; emergency amendment at 39 Ill. Reg. 10453, effective July 10, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 10824, effective July 27, 2015.

SUBPART A: GENERAL PROVISIONS

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Section 148.25 Definitions and Applicability

Effective for dates of service on or after July 1, 2014:

- a) The term "large public hospital" means a hospital:
 - 1) Owned by and located in an Illinois county with a population exceeding three million; or
 - 2) Organized under the University of Illinois Hospital Act; or
 - 3) Maintained by the Illinois Department of Human Services.
- b) The term "hospital" means:
 - 1) For the purpose of hospital inpatient reimbursement, any institution, place, building, or agency, public or private, whether organized for profit or not-for-profit, that:
 - A) Is subject to licensure by the Illinois Department of Public Health (DPH) under the Hospital Licensing Act.
 - B) Is organized under the University of Illinois Hospital Act.
 - C) Is maintained by the State, or any department or agency of the State, when the department or agency has authority under the law to establish and enforce standards for the hospitalization or care facilities under its management and control.
 - D) Meets all comparable conditions and requirements of the Hospital Licensing Act in effect for the state in which it is located.
 - 2) For the purpose of hospital outpatient reimbursement, the term "hospital" shall, in addition to the definition described in subsection (b)(1), include:
 - A) An ambulatory surgical treatment facility, as described in 89 Ill. Adm. Code 146.105(a).

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- B) A free-standing emergency center, as described in subsection (e) of this Section.
- 3) For the purpose of non hospital-based clinic reimbursement, the term "hospital" shall mean a county-operated outpatient facility owned by and located in an Illinois county with a population exceeding three million.
- 4) For the purpose of hospital-based clinic reimbursement, the term "hospital" shall mean a hospital-based clinic meeting the provisions of Section 148.40(d) and 89 Ill. Adm. Code 140.461(a).
- 5) For the purpose of participation, reimbursement and accreditation, the term "Health and Human Services Approved Accreditation Organization (HHS-AAO)" shall mean an accrediting organization recognized by the Secretary of the Department of Health and Human Services as having standards for accreditation that meet or exceed Medicare requirements for the provider and service in question.
- c) For the purpose of hospital inpatient reimbursement, the term "distinct part unit" means a unit within a hospital, as defined in subsection (b)(1), that meets the following qualifications:
- 1) Distinct Part Psychiatric Units. A distinct part psychiatric unit is a functional unit that is enrolled with the Department to provide inpatient psychiatric services (category of service 021).
- 2) Distinct Part Rehabilitation Units. A distinct part rehabilitation unit is a functional unit that is enrolled with the Department to provide inpatient rehabilitation services (category of service 022).
- d) Specialty Hospitals
- 1) Psychiatric Hospitals. To qualify as a psychiatric hospital, a facility must be:
- A) Licensed by the state within which it is located as a psychiatric hospital and be primarily engaged in providing, by or under the supervision of a psychiatrist, psychiatric services for the diagnosis and treatment of mentally ill persons.

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- B) Enrolled with the Department as a psychiatric hospital to provide inpatient psychiatric services (category of service 021).
- 2) Rehabilitation Hospitals. To qualify as a rehabilitation hospital, a facility must be:
- A) Licensed by the state within which it is located as a physical rehabilitation hospital.
 - B) Enrolled with the Department as a rehabilitation hospital to provide inpatient physical rehabilitation services (category of service 022).
- 3) Children's Hospitals. To qualify as a children's hospital, a facility must be devoted exclusively to caring for children and either be:
- A) A hospital licensed by the state within which it is located as a pediatric, psychiatric or children's hospital.
 - B) A unit within a general hospital that was enrolled with the Department as a children's hospital on July 1, 2013. Units so enrolled shall be reimbursed for all inpatient and outpatient services provided to Medical Assistance enrollees who are under 18 years of age, with the exception of obstetric services, normal newborn nursery services, psychiatric services, and physical rehabilitation services, without regard to the physical location within the hospital where the care is rendered.
- 4) Long Term Acute Care Hospitals. To qualify as a long term acute care hospital, a facility must be licensed by the state within which it is located as an acute care hospital and certified by Medicare as a long term care hospital.
- e) The term "freestanding emergency center" means a facility that provides comprehensive emergency treatment services 24-hours per day, on an outpatient basis, and has been issued a license by the Illinois Department of Public Health under the Freestanding Emergency Center Code (77 Ill. Adm. Code 518), as a freestanding emergency center, or a facility outside of Illinois that meets

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conditions and requirements comparable to those found in the Emergency Medical Services (EMS) Systems Act [210 ILCS 50] in effect for the jurisdiction in which it is located.

- f) The term "coordinated care participating hospital" means a hospital, located in a county of the State in which the Department mandates some or all of the beneficiaries of the Medical Assistance Program residing in the area to enroll in a care coordination program as defined in Section 5-30 of the Illinois Public Aid Code (Code) that:
- 1) Has entered into a contract to provide hospital services to enrollees of the care coordination program.
 - 2) Has not been offered a contract by a care coordination plan that pays not less than the Department would have paid on a fee-for-service basis, but excluding disproportionate share hospital adjustment payments or any other supplemental payment that the Department pays directly.
- g) The term "critical access hospital" means a hospital, located in Illinois, that has been designated as a critical care hospital by DPH in accordance with 42 CFR 485, Subpart F.
- h) Academic Medical Centers and Major Teaching Hospital Status. Hospitals dedicated to medical research and medical education shall be classified each State fiscal year in 3 tiers based on specific criteria:
- 1) Tier I. A private academic medical center must:
 - A) be a hospital located in Illinois that is:
 - i) under common ownership with the college of medicine of a non-public college or university; or
 - ii) a freestanding hospital in which the majority of the clinical chiefs of service or clinical department chairs are department chairs in an affiliated non-public Illinois medical school; or

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- iii) a children's hospital that is separately incorporated and non-integrated into the academic medical center hospital but is the pediatric partner for an academic medical center hospital and that serves as the primary teaching hospital for pediatrics for its affiliated Illinois medical school. A hospital identified in this subsection (h)(i)(A)(iii) is deemed to meet the additional Tier I criteria if its partner academic medical center hospital meets the Tier I criteria;
 - B) serve as the training site for at least 30 graduate medical education programs accredited by the Accreditation Council for Graduate Medical Education;
 - C) facilitate the training on the campus or on affiliated off-campus sites of no less than 500 medical students, interns, residents and fellows during the calendar year preceding the beginning of the State fiscal year;
 - D) perform, either itself or through its affiliated university, at least \$12,000,000 in medical research funded through grants or contracts from the National Institutes of Health or, with respect to hospitals described in subsection (h)(1)(A)(ii), have as its affiliated non-public Illinois medical school a medical school that performs, either itself or through its affiliated university, medical research funded using at least \$12,000,000 in grants or contracts from the National Institutes of Health; and
 - E) expend, directly or indirectly, through an affiliated non-public medical school or as part of a hospital system, defined as a hospital and one or more other hospitals or hospital affiliates related by common control or ownership, no less than \$5,000,000 toward medical research and education during the calendar year preceding the beginning of the State fiscal year.
- 2) Tier II. A public academic medical center must:
- A) be a hospital located in Illinois that is a primary teaching hospital affiliated with:

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- i) University of Illinois School of Medicine at Chicago;
 - ii) University of Illinois School of Medicine at Peoria;
 - iii) University of Illinois School of Medicine at Rockford;
 - iv) University of Illinois School of Medicine at Urbana; or
 - v) Southern Illinois University School of Medicine in Springfield; and
- B) contribute no less than \$2,500,000 toward medical research and education during the calendar year preceding the beginning of the State fiscal year.
- 3) Tier III. A major teaching hospital must:
- A) be an Illinois hospital with 100 or more interns and residents or with a ratio of interns and residents to beds greater than or equal to 0.25; and
 - B) support at least one graduate medical education program accredited by the Accreditation Council for Graduate Medical Education.
- i) Children's Specialty Hospital. To qualify as a children's specialty hospital, a facility must be:
- 1) an Illinois hospital as defined in subsection (d)(3)(A) and have fewer than 50 total inpatient beds; or
 - 2) a cost reporting hospital, as defined in subsection (d)(3)(A), located outside of Illinois and have fewer than 50 total beds and an average length of stay greater than 20 days in State fiscal year 2013, as contained in the Department's claims data warehouse.

(Source: Amended at 39 Ill. Reg. 10824, effective July 27, 2015)

Section 148.30 General Requirements

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Effective for dates of service on or after July 1, 2014:

- a) For the purpose of hospital inpatient, hospital outpatient and hospital-based clinic reimbursement, the following requirements must be met by a hospital to qualify for enrollment in the Illinois Medical Assistance Program:
- b) The hospital must be certified for participation in the Medicare Program (Title XVIII) unless the provisions of subsection (c) apply.
- c) If not eligible for or subject to Medicare certification, the hospital must be accredited by The Joint Commission (TJC) or another Health and Human Services Approved Accreditation Organization.
- d) The hospital must agree to accept the Department's basis for reimbursement.

(Source: Amended at 39 Ill. Reg. 10824, effective July 27, 2015)

Section 148.40 Special Requirements

Effective for dates of discharge on or after July 1, 2014:

- a) Inpatient Psychiatric Services
 - 1) Payment for inpatient hospital psychiatric services shall be made only to:
 - A) A hospital that is a general hospital, as defined in Section 148.25(b), with a functional unit, as defined in Section 148.25(c)(1), that specializes in, and is enrolled with the Department to provide, psychiatric services; or
 - B) A hospital, as defined in Section 148.25(b), that holds a valid license as, and is enrolled with the Department as, a psychiatric hospital, as defined in Section 148.25(d)(1).
 - 2) Inpatient psychiatric services are those services provided to patients who are in need of short-term acute inpatient hospitalization for active treatment of an emotional or mental disorder.
 - 3) Federal Medicaid regulations preclude payment for patients over 20 or

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under 65 years of age in any Institution for Mental Diseases (IMD). Therefore, psychiatric hospitals may not receive reimbursement for services provided to patients over the age of 20 and under the age of 65. In the case of a patient receiving psychiatric services immediately preceding his or her 21st birthday, psychiatric services shall be reimbursable by the Department until the earliest of the following:

- A) The date the patient no longer requires the services.
 - B) The date the patient reaches 22 years of age.
- 4) A psychiatric hospital must be accredited by TJC [or another Health and Human Services Approved Accreditation Organization](#) to provide services to program participants under 21 years of age or be Medicare certified to provide services to program participants 65 years of age and older. Distinct part psychiatric units and psychiatric hospitals located in Illinois, or within 100 miles of Illinois, must execute an agreement with an Illinois Department of Human Services (DHS) operated mental health center (State-operated facility) for coordination of services including, but not limited to, crisis screening and discharge planning to ensure linkage to aftercare services with private practitioners or community mental health services, as described in subsection (a)(5).
- 5) Coordination of Care – Purpose. The Coordination of Care Agreement shall set forth an agreement between the State-operated facility and the hospital for the coordination of services, including but not limited to crisis screening and discharge planning to ensure efficient use of inpatient care. The agreement shall also set forth the manner in which linkage to aftercare services with community mental health agencies or private practitioners shall be carried out.
- 6) Coordination of Care – General Provisions. The general provisions of the Coordination of Care Agreement described in subsection (a)(5) are as follows:
- A) The hospital shall agree, on a continuing basis, to comply with applicable licensing standards as contained in State laws or regulations and shall maintain accreditation by TJC [or another Health and Human Services Approved Accreditation Organization](#).

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- B) The provider shall comply with Title VI of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973 and regulations promulgated under those Acts prohibit discrimination on the grounds of sex, race, color, national origin or handicap.
 - C) The provider shall comply with the following applicable federal, State and local statutes pertaining to equal employment opportunity, affirmative action, and other related requirements: 42 USCA 2000e, 29 USCA 203 et seq. and 775 ILCS 25.
 - D) The Coordination of Care Agreement shall remain in effect until amended by mutual consent or cancelled in writing by either party having given 30 days prior notification.
- 7) Coordination of Care – Special Requirements. The hospital shall:
- A) Provide on its premises, the facilities, staff, and programs for the diagnosis, admission, and treatment of persons who may require inpatient care or assessment of mental status, mental illness, emotional disability, and other psychiatric problems.
 - B) Notify the community mental health agency that serves the geographic area from which the recipient originated to allow the agency to prescreen the case prior to referring the individual to the designated State-operated facility. The community mental health agency's resources and other appropriate community alternatives shall be considered prior to making a referral to the State-operated facility for admission.
 - C) Complete any forms necessary and consistent with the Mental Health and Developmental Disabilities Code in the event of a referral for involuntary or judicial admission.
 - D) Notify the community mental health agency or private practitioner of the date and time of discharge and invite their participation in the discharge planning process.
 - E) Refer to the State-operated facility only those individuals for

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whom less restrictive alternatives are documented not to be appropriate at the time based on a clinical determination by the community mental health agency, a private practitioner (if applicable), or the hospital.

- F) Notify the State-operated facility prior to planned transfer of an individual and transfer the individual at such time as to assure arrival of the person prior to 11 a.m. Monday through Friday. In unusual situations, transfers may be made at other times after prior discussion between the hospital and the State-operated facility. The individual will only be transported to the State-operated facility when, based on a clinical determination, he or she is medically stable as determined by the transferring physician. A copy of the transfer summary from the hospital must accompany the recipient at the time of admission to the State-operated facility.
- 8) Coordination of Care – Special Requirements of the State-Operated Facility. The State-operated facility shall:
- A) Admit individuals who have been screened as defined in the Coordination of Care Agreement and are appropriate for admission consistent with the provisions of the Mental Health and Developmental Disabilities Code.
 - B) Evaluate individuals for whom the hospital has executed a Petition and Certificate for involuntary/judicial admission consistent with the Mental Health and Developmental Disabilities Code.
 - C) Consider for admission voluntary individuals for whom less restrictive alternatives are documented not to be appropriate at the time, based on a clinical determination by the community mental health agency, private practitioner (if applicable), the hospital, or the State-operated facility.
- 9) Coordination of Care – Special Requirements for the Children's Mental Health Screening, Assessment and Support Services (SASS) Program. For individuals under 21 years of age, all inpatient admissions must be authorized through the SASS Program. The hospital shall:

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- A) Prior to admission, contact the Crisis and Referral Entry Service (CARES), the Department's Statewide centralized intake and referral point for a mental health screening and assessment of the patient, pursuant to 59 Ill. Adm. Code 131.40;
 - B) For admissions authorized through a SASS screening, involve the SASS provider in the patient's treatment plan during the inpatient stay and in the development of a discharge plan in order to facilitate linkage to appropriate aftercare resources.
- 10) A participating hospital not enrolled for inpatient psychiatric services may provide psychiatric care as a general inpatient service only on an emergency basis for a maximum period of 72 hours or in cases in which the psychiatric services are secondary to the services for which the period of hospitalization is approved.
- b) Inpatient Rehabilitation Services
- 1) Payment for inpatient rehabilitation services shall be made only to a general hospital, as defined in Section 148.25(b), with a functional unit of the hospital, as defined in Section 148.25(c)(2), which specializes in, and is enrolled with the Department to provide, physical rehabilitation services or a hospital, as defined in Section 148.25(d)(2), which holds a valid license as, and is enrolled with the Department as, a physical rehabilitation hospital.
 - 2) The primary reason for hospitalization is to provide a structured program of comprehensive rehabilitation services, furnished by specialists, to the patient with a major handicap for the purpose of habilitating or restoring the person to a realistic maximum level of functioning.
 - 3) For payment to be made, a rehabilitation facility, which includes a distinct part unit as described in Section 148.25(c)(2), must be certified for participation under the Medicare Program and must be licensed and/or certified by DPH to provide comprehensive physical rehabilitation services. Out-of-state hospitals that specialize in physical rehabilitation services must be licensed or certified to provide comprehensive physical rehabilitation services by the authorized licensing agency in the state in which the hospital is located.

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- 4) A rehabilitation facility must meet the following criteria:
 - A) Have a full-time (at least 35 hours per week) director of rehabilitation; a participating general hospital with a functional rehabilitation unit must have a part-time (at least 20 hours per week) director of rehabilitation.
 - B) Have an organized medical staff.
 - C) Have available consultants qualified to perform services in appropriate specialties.
 - D) Have adequate space and equipment to provide comprehensive diagnostic and treatment services.
 - E) Maintain records of diagnosis, treatment progress (notations must be made at regular intervals) and functional results.
 - F) Submit reports as required by the Department.
- 5) A rehabilitation facility must provide, or have a contractual arrangement with an appropriate entity or agency to provide, the following minimal services:
 - A) Full-time nursing services under the supervision of a registered nurse formally trained in rehabilitation nursing.
 - B) Full-time physical therapy and occupational therapy services.
 - C) Social casework services as an integral part of the rehabilitation program.
- 6) A rehabilitation facility must have available the following minimal services:
 - A) Psychological evaluation services.
 - B) Prosthetic and orthotic services.

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- C) Vocational counseling.
 - D) Speech therapy.
 - E) Clinical laboratory and x-ray services.
 - F) Pharmacy services.
- 7) The director of rehabilitation must meet the following criteria:
- A) Provide services to the hospital and its patients as specified in subsection (b)(4).
 - B) Be a doctor of medicine or osteopathy.
 - C) Be licensed under State law to practice medicine or surgery.
 - D) Must have, after completing a one-year hospital internship, at least two years of training or experience in the medical management of inpatients requiring rehabilitation services.
- 8) Personnel of the rehabilitation facility must meet the following minimum standards:
- A) Physicians shall have unlimited licenses to practice medicine and surgery in the state in which they practice. Consultants shall be Board Qualified or Board Certified in their specialty.
 - B) Physical therapists shall be licensed by the Illinois Department of Financial and Professional Regulation or comparable licensing agency in the state in which the facility is located.
 - C) Occupational therapists shall be licensed by the Illinois Department of Financial and Professional Regulation or comparable licensing agency in the state in which the facility is located.
 - D) Registered nurses and licensed practical nurses shall be currently

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licensed by the Illinois Department of Financial and Professional Regulation or comparable licensing agency in the state in which the facility is located.

- E) Social workers shall have completed two years of graduate training leading to a Master's Degree in social work from an accredited graduate school of social work.
 - F) Psychologists shall have a Master's Degree in clinical psychology.
 - G) Vocational counselors shall have a Master's Degree in Rehabilitation Counseling, Psychology or Guidance from a school accredited by the North Central Association or its equivalent.
 - H) An orthotist or prosthetist, certified by the American Board of Certification in Orthotics and Prosthetics, shall fabricate or supervise the fabrication of all limbs and braces.
- c) End-Stage Renal Disease Treatment (ESRDT) Services. The Department provides payment to hospitals, as defined in Section 148.25(b), for ESRDT services only when the hospital is Medicare certified for ESRDT and services are provided as follows:
- 1) Inpatient hospital care is provided for the evaluation and treatment of acute renal disease.
 - 2) Outpatient chronic renal dialysis treatments are provided in the outpatient renal dialysis department of the hospital, a satellite unit of the hospital that is professionally associated with the center for medical direction and supervision, or a free-standing chronic dialysis center certified by Medicare, pursuant to 42 CFR 405, Subpart U (2013).
 - 3) Home dialysis treatments are provided through the outpatient renal dialysis department of the hospital, a satellite unit of the hospital that is professionally associated with the center for medical direction and supervision, in a patient's home, or through a free-standing chronic dialysis center certified by Medicare, pursuant to 42 CFR 405, Subpart U (2013).

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- d) Hospital-Based Organized Clinic Services. Hospital-based clinics, as described in Section 148.25(b)(4), must meet the requirements of 89 Ill. Adm. Code 140.461(a). The following two categories of hospital-based organized clinic services are recognized in the Medical Assistance Program:
- 1) Psychiatric Clinic Services
 - A) Psychiatric Clinic Services (Type A). Type A psychiatric clinic services are clinic service packages consisting of diagnostic evaluation; individual, group and family therapy; medical control; optional Electroconvulsive Therapy (ECT); and counseling, provided in the hospital clinic setting.
 - B) Psychiatric Clinic Services (Type B). Type B psychiatric clinic services are active treatment programs in which the individual patient is participating in no less than social, recreational, and task-oriented activities at least four hours per day at a minimum of three half days of active treatment per week. The duration of an individual patient's participation in this treatment program is limited to six months in any 12 month period.
 - C) Approval. The Department and DHS are responsible for approval and enrollment of community hospitals providing psychiatric clinic services. In order to participate as a provider of psychiatric clinic services, a hospital must have previously been enrolled with the Department for the provision of inpatient psychiatric services on or after June 1, 2002 or must be currently enrolled for the provision of inpatient psychiatric services and execute a Psychiatric Clinic Services Type A and B Enrollment Assurance with DHS and the Department, which assures that the hospital is enrolled for the provision of inpatient psychiatric services and meets the following requisites:
 - i) The hospital must be accredited by, and be in good standing with, [TJC or another Health and Human Services Approved Accreditation Organization](#).
 - ii) The hospital must have executed a Coordination of Care

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Agreement between the hospital and the designated DHS State-operated facility serving the mentally ill in the appropriate geographic area.

- iii) The clinical staff of the psychiatric clinic must collaborate with the mental health service network to provide discharge, linkage and aftercare planning for recipients of outpatient services.
 - iv) The hospital must be enrolled to participate in Medicaid Program (Title XIX) and must meet all conditions and requirements set forth by the Department.
- D) Duration of Approval. The approval described in subsection (d)(1)(D) of this Section shall be in effect for a period of two years from the date HFS approves the psychiatric clinic's enrollment. The approval may be terminated by HFS or DHS with cause upon 30 days written notice to the hospital. Accordingly, the hospital must submit a 30 day written notification to HFS and DHS when terminating delivery of psychiatric clinic services.
- 2) Physical Rehabilitation Clinic Services
Physical rehabilitation clinic services include the same rehabilitative services provided to inpatients by hospitals enrolled to provide the services described in Section 148.40(b). Clinic services should be utilized when the patient's condition is such that it does not necessitate inpatient care and adequate care and treatment can be obtained on an outpatient basis through the hospital's specialized clinic.
- e) Zero Balance Bills. The Department requires a hospital to submit a bill for any inpatient service provided to an individual enrolled in any of the Medical Assistance Programs administered by the Department, including newborns, regardless of payer. A "zero balance bill" is one on which the total "prior payments" are equal to or exceed the Department's liability on the claim. The Department requires that zero balance bills be submitted subsequent to discharge in the same manner as are other bills so that information may be available for the maintenance of accurate patient profiles and diagnosis-related grouping (DRG) data, and information needed for calculation of disproportionate share and other rates. The provisions of this subsection apply to all hospitals regardless of the

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reimbursement methodology under which they are reimbursed.

(Source: Amended at 39 Ill. Reg. 10824, effective July 27, 2015)

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.140 Hospital Outpatient and Clinic Services

Effective for dates of service on or after July 1, 2014:

- a) Fee-For-Service Reimbursement
 - 1) Reimbursement for hospital outpatient services shall be made on a fee-for-service basis, except for:
 - A) Services described in subsection (b)(1).
 - B) End stage renal disease treatment (ESRDT) services, as described in subsection (g).
 - 2) Except for the services reimbursed under the EAPG PPS, described in subsection (b)(1), fee-for-service reimbursement levels shall be at the lower of the hospital's usual and customary charge to the public or the Department's statewide maximum reimbursement screens. Hospitals will be required to bill the Department utilizing specific service codes. However, all specific client coverage policies (relating to client eligibility and scope of services available to those clients) that pertain to the service billed are applicable to hospitals in the same manner as to non-hospital providers who bill fee for service.
 - 3) Hospitals are required to bill the Department utilizing specific service codes. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) that pertain to the service billed are applicable to hospitals in the same manner as to non-hospital providers who bill fee-for-service.
 - 4) Payments under Section 148.140(a)(4) shall cease as of June 30, 2014 for Maternal and Child Health Program Clinics.

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- b) EAPG PPS Reimbursement. Reimbursement under EAPG PPS, described in subsection (c), shall be all-inclusive for all services provided by the hospital, without regard to the amount charged by a hospital. Except as provided in subsection (b)(3), no separate reimbursement will be made for ancillary services or the services of hospital personnel.
- 1) Outpatient hospital services reimbursed through the EAPG PPS shall include:
 - A) Surgical services.
 - B) Diagnostic and therapeutic services.
 - C) Emergency department services.
 - D) Observation services.
 - E) Psychiatric treatment services.
 - 2) Excluded from reimbursement under the EAPG PPS are outpatient hospital services reimbursed pursuant to 59 Ill. Adm. Code 131 and 132, 77 Ill. Adm. Code 2090, and Section 148.330 of this Part.
 - 3) Exceptions to All-inclusive EAPG PPS Rate
 - A) A hospital may bill separately for:
 - i) Professional services of a physician who provided direct patient care.
 - ii) Chemotherapy services provided in conjunction with radiation therapy services.
 - iii) Physical rehabilitation, occupational or speech therapy services provided in conjunction with an APG PPS reimbursed service.
 - B) For the purposes of subsection (b)(3)(A), a physician means:

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- i) A physician salaried by the hospital. Physicians salaried by the hospital do not include radiologists, pathologists, nurse practitioners, or certified registered nurse anesthetists; no separate reimbursement will be allowed for those providers.
 - ii) A physician who is reimbursed by the hospital through a contractual arrangement to provide direct patient care.
 - iii) A group of physicians with a financial contract to provide emergency department care.
- c) EAPG PPS Payment. The reimbursement to hospitals for outpatient services provided on the same day shall be the product, rounded to the nearest hundredth, of the following:
 - 1) The EAPG weighting factor of the EAPG to which the service was assigned by the EAPG grouper.
 - 2) The EAPG conversion factor, based on the sum of:
 - A) The product, rounded to the nearest hundredth, of:
 - i) the labor-related share;
 - ii) the Medicare IPPS wage index; and
 - iii) the applicable EAPG standardized amount.
 - B) The product, rounded to the nearest hundredth, of:
 - i) non-labor share; and
 - ii) the applicable EAPG standardized amount.
 - 3) The applicable consolidation factor.
 - 4) The applicable packaging factor.
 - 5) The applicable discounting factor.

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- 6) The applicable policy adjustment factors, as defined in subsection (f), for which the service qualifies.
- d) EAPG Standardized Amount. The standardized amount established by the Department as the basis for EAPG conversion factor differs based on the provider type:
- 1) County-operated Large Public Hospital EAPG Standardized Amount. For a large public hospital, as defined in Section 148.25(a)(1), the EAPG standardized amount is determined in Section 148.160.
 - 2) University-operated Large Public Hospital EAPG Standardized Amount. For a large public hospital, as defined in Section 148.25(a)(2), the EAPG standardized amount is determined in Section 148.170.
 - 3) Critical Access Hospital EAPG Standardized Amount. For critical access hospitals, as defined in Section 148.25(g), the EAPG standardized amounts are determined separately for each critical access hospital such that simulated EAPG payments using outpatient base period paid claim data plus payments as defined in Section 148.456 net of tax costs are equal to the estimated costs of outpatient base period claims data with a rate year cost inflation factor applied.
 - 4) Acute EAPG Standardized Amount
 - A) Qualifying Criteria. General acute hospitals and freestanding emergency centers as defined in 148.25(e) excluding providers in subsections (d)(1) through (d)(3), freestanding psychiatric hospitals, psychiatric distinct part units, freestanding rehabilitation hospitals, and rehabilitation distinct part units.
 - B) The acute EAPG standardized amount is based on a single statewide amount determined such that:
 - i) Simulated EAPG payments, without SMART Act reductions or policy adjustments defined in subsection (f), using general acute hospital outpatient base period paid

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claims data, result in approximately a \$75 million increase compared to the amount derived in subsection (d)(4)(B)(ii).

- ii) The sum of general acute hospital base period paid claims data reported payments and allocated outpatient static payments.
- 5) Psychiatric EAPG Standardized Amount
- A) Qualifying Criteria. Freestanding psychiatric hospitals and psychiatric distinct part units.
 - B) The psychiatric EAPG standardized amount is based on a single statewide amount, determined such that:
 - i) Simulated EAPG payments, without policy adjustments defined in subsection (f), using freestanding psychiatric hospitals and psychiatric distinct part units outpatient base period paid claims data, results in payments approximately equal to the amount derived in subsection (d)(5)(B)(ii).
 - ii) The sum of freestanding psychiatric hospitals and psychiatric distinct part units outpatient base period paid claims data reported payments and allocated outpatient static payments.
- 6) Rehabilitation EAPG Standardized Amount
- A) Qualifying Criteria. Freestanding rehabilitation hospitals and rehabilitation distinct part units.
 - B) The rehabilitation EAPG standardized amount is based on a single statewide amount, determined such that:
 - i) Simulated EAPG payments, without SMART Act reductions or policy adjustments defined in subsection (f), using freestanding rehabilitation hospitals and rehabilitation distinct part units outpatient base period paid

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claims data, results in payments approximately equal to the annual derived in subsection (d)(6)(B)(ii).

- ii) The sum of freestanding rehabilitation hospitals and rehabilitation distinct part units outpatient base period paid claims data reported payments and allocated outpatient static payments.
- 7) Ambulatory Surgical Treatment Center (ASTC) EAPG Standardized Amount. For ASTC's, as defined in 89 Ill. Adm. Code 146.105, the EAPG standardized amount is determined such that simulated EAPG payments using outpatient base period paid claims data are equal to reported payments of outpatient base period paid claims data as contained in the Department's claims data warehouse.
- 8) Out-of-state non-cost reporting hospital EAPG standardized amount. For non-cost reporting hospitals, the EAPG standardized amount is \$362.32.
- e) Discounting factor. The applicable discounting factor is based on the discounting flags designated by the EAPG grouper under default EAPG settings:
- 1) The discounting factor will be 1.0000, if the following criteria are met:
 - A) The service has not been designated with a Bilateral Procedure Discounting flag, Multiple Procedure Discounting flag, Repeat Ancillary Discounting flag or Terminated Procedure Discounting flag by the EAPG grouper under default EAPG settings; or
 - B) The service has not been designated with a Bilateral Procedure Discounting flag and has been designated with a Multiple Procedure Discounting flag by the EAPG grouper under default EAPG settings and the service has the highest EAPG weighting factor among other services with a Multiple Procedure Discounting flag provided on the same day.
 - 2) The discounting factor will be 0.5000 if the following criteria are met:
 - A) The service has been designated with a Multiple Procedure Discounting flag, Repeat Ancillary Discounting flag or Terminated

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Procedure Discounting flag by the EAPG grouper under default EAPG settings; and if the Multiple Procedure Discounting flag is present, the service does not have the highest EAPG weighting factor among other services with a Multiple Procedure Discounting flag provided on the same day; and

- B) The service has not been designated with a Bilateral Procedure Discounting flag by the EAPG grouper under default EAPG settings.
- 3) The discounting factor will be 0.7500 if the following criteria are met:
- A) The service has been designated with a Bilateral Procedure Discounting flag by the EAPG grouper under default EAPG settings; and
 - B) The service has been designated with a Multiple Procedure Discounting flag, the Repeat Ancillary Discounting flag or Terminated Procedure Discounting flag by the EAPG grouper under default EAPG settings; and if the Multiple Procedure Discounting flag is present, the service does not have the highest EAPG weighting factor among other services with a Multiple Procedure Discounting flag provided on the same day.
- 4) The discounting factor will be 1.5000 if the following criteria are met:
- A) The service has been designated with a Bilateral Procedure Discounting flag by the EAPG grouper under default EAPG settings; and
 - B) The service has not been designated with a Multiple Procedure Discounting flag, the Repeat Ancillary Discounting flag or Terminated Procedure Discounting flag by the EAPG grouper under default EAPG settings; or if the Multiple Procedure Discounting flag is present, the service has the highest EAPG weighting factor among other services with a Multiple Procedure Discounting flag provided on the same day.

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- f) Policy Adjustments. Claims for services by providers that meet certain criteria shall qualify for further adjustments to payment. If a claim qualifies for more than one policy adjustment, then the EAPG PPS payment will be multiplied by both factors.
- 1) Safety Net Hospital Qualifying Criteria
 - A) The service is described in subsection (b)(1), excluding Medicare crossover claims.
 - B) The hospital is a Safety Net hospital, as defined in Section 5-5e.1 of the Illinois Public Aid Code that is not:
 - i) A critical access hospital, as defined in Section 148.25(g).
 - ii) A large public hospital, as defined in Section 148.25(a).
 - C) Policy adjustment factor effective SFY 2015 and 2016 is 1.3218.
 - 2) High Outpatient Volume Hospital Qualifying Criteria
 - A) The service is described in subsection (b)(1), excluding Medicare crossover claims.
 - B) The hospital is a High Outpatient Volume hospital, as defined in subsection (f)(2)(C) that is not:
 - i) A critical access hospital, as defined in Section 148.25(g).
 - ii) A large public hospital, as defined in Section 148.25(a).
 - iii) A Safety Net hospital, as defined in Section 5-5e.1 of the Illinois Public Aid Code.
 - C) A High Outpatient Volume hospital for which the high outpatient volume is at least:
 - i) 1.5 standard deviations above the mean regional high outpatient volume; or

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- ii) 1.5 standard deviations above the mean statewide high outpatient volume.
 - D) Policy adjustment factor effective SFY 2015 and 2016 is 1.3218.
- 3) Crossover Adjustment Factor
 - A) Acute EAPG standardized amounts, as defined in subsection (d)(4), shall be reduced by a Crossover Adjustment factor such that:
 - i) The absolute value of the total simulated payment reduction that occurs when applying the Crossover Adjustment Factor to simulated EAPG payments, including Policy Adjustments, using general acute hospital outpatient base period paid claims data, is equal to the amount derived in subsection (f)(3)(A)(ii):
 - ii) The difference of total simulated EAPG payments using general acute hospital outpatient crossover paid claims data, and general acute hospital outpatient crossover paid claims data total reported Medicaid net liability.
 - B) Crossover Adjustment Factor effective SFY 2015 and 2016 is 0.98912.
- 4) If a claim does not qualify for a Policy Adjustment described in subsections (f)(1) through (f)(3), the policy adjustment factor is 1.0.
- g) Payment for outpatient end-stage renal disease treatment (ESRDT) services provided pursuant to Section 148.40(b) shall be made at the Department's payment rates, as follows:
 - 1) For outpatient services or home dialysis treatments provided pursuant to Section 148.40(c)(2) or (c)(3), the Department will reimburse hospitals and clinics for ESRDT services at a rate that will reimburse the provider for the dialysis treatment and all related supplies and equipment, as defined in 42 CFR 405.2124 and 413.170 (2010). This rate will be the

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rate established by Medicare pursuant to 42 CFR 405.2124 and 413.170 (2010).

- 2) Payment for Non-routine Services. For services that are provided during outpatient or home dialysis treatment pursuant to Section 148.40(c)(2) or (c)(3), but are not defined as a routine service under 42 CFR 405.2163 (1994), separate payment will be made to independent laboratories, pharmacies, and medical supply providers pursuant to 89 Ill. Adm. Code 140.430 through 140.434, 140.440 through 140.50, and 140.75 through 140.481, respectively.
 - 3) Payment for physician services relating to ESRDT will be made separately to physicians, pursuant to 89 Ill. Adm. Code 140.400.
 - 4) Effective with dates of service July 1, 2013 through June 30, 2015, hospital and freestanding chronic dialysis centers will receive an add-on payment of \$60 per treatment day to the rate described in subsection (g)(1) for outpatient renal dialysis treatments or home dialysis treatments provided to Medicare recipients under Title XIX of the Social Security Act, excluding services for individuals eligible for Medicare under Title XVII of that Act (Medicaid/Medicare crossovers) and excluding services provided under Subpart D: State Chronic Renal Disease Program, as defined in Sections 148.600 through 148.640.
- h) Updates to EAPG PPS Reimbursement. The Department may annually review the components listed in subsection (c) and make adjustments as needed. Grouper shall be updated at least triennially and no more frequently than annually.
- i) Definitions
- "Aggregate ancillary cost-to-charge ratio" means the ratio of each hospital's total ancillary costs and charges reported in the Medicare cost report, excluding special purpose cost centers and the ambulance cost center, for the cost reporting period matching the outpatient base period claims data. Aggregate ancillary cost-to-charge ratios applied to SFY 2011 outpatient base period claims data will be based on fiscal year ending 2011 Medicare cost report data.

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"Consolidation factor" means a factor of 0 percent applicable for services designated with a Same Procedure Consolidation flag or Clinical Procedure Consolidation flag by the EAPG grouper under default EAPG settings.

"Default EAPG settings" means the default EAPG grouper options in 3M's Core Grouping Software for each EAPG grouper version.

"EAPG" means Enhanced Ambulatory Patient Groups, as defined in the EAPG grouper, which is a patient classification system designed to explain the amount and type of resources used in an ambulatory visit. Services provided in each EAPG have similar clinical characteristics and similar resource use and cost.

"EAPG grouper" means the most recently released version of the EAPG software, distributed by 3M Health Information Systems, available to the Department as of January 1 of the calendar year during with the discharge occurred; except, for the calendar year beginning January 1, 2014, EAPG grouper means version 3.7 of the EAPG software.

"EAPG PPS" means the EAPG prospective payment system as described in this Section.

"EAPG weighting factor" means, for each EAPG, the product, rounded to the nearest ten-thousandth, of:

the national weighting factor, as published by 3M Health Information Systems for the EAPG grouper; and

the Illinois experience adjustment.

"Estimated cost of outpatient base period claims data" means the product of:

outpatient base period paid claims data total covered charges;

the critical access hospital's aggregate ancillary cost-to-charge ratio; and

a rate year cost inflation factor.

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"High outpatient volume" means the number paid outpatient claims described in subsection (b)(1) provided during the high volume outpatient base period paid claims data.

"High volume outpatient base period paid claims data" means SFY 2011 outpatient Medicaid fee-for-service paid claims data, excluding Medicare dual eligible claims, renal dialysis claims, and therapy claims, for EAPG PPS payment for services provided in SFY 2015 and 2016. For subsequent dates of service, the term means the SFY ending 30 months prior to the beginning of the calendar year during which the service is provided.

"Illinois experience adjustment" means, for the calendar year beginning January 1, 2014, a factor of 1.0; for subsequent calendar years, means the factor applied to 3M EAPG national weighting factors when updating EAPG grouper versions determined such that the arithmetic mean EAPG weighting factor under the new EAPG grouper version is equal to the arithmetic mean EAPG weighting factor under the prior EAPG grouper version using outpatient base period claims data.

"Labor-related share" means that portion of the statewide standardized amount that is allocated in the EAPG PPS methodology to reimburse the costs associated with personnel. The labor-related share for a hospital is 0.60.

"Mean regional high outpatient volume" means the quotient, rounded to the nearest tenth, resulting from the number of paid outpatient services described in subsections (b)(1)(A) through (D), provided by hospitals within a region, based on outpatient base period paid claims data.

"Mean statewide high outpatient volume" means the quotient, rounded to the nearest tenth, resulting from the number of paid outpatient services described in subsections (b)(1)(A) through (D), provided by hospitals within the state, based on outpatient base period paid claims data.

"Medicare IPPS wage index" means for in-state providers and out-of-state Illinois Medicaid cost reporting providers, the wage index used for inpatient reimbursement as described in 89 Ill. Adm. Code 149.100. For out-of-state non-cost reporting providers, the wage index used to adjust the EAPG standardized amount shall be a factor of 1.0.

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"Non-labor share" means the difference resulting from the labor-related share being subtracted from 1.0.

"Outpatient base period paid claims data" means SFY 2011 outpatient Medicaid fee-for-service paid claims data, excluding Medicare dual eligible claims, renal dialysis claims, and therapy claims, for EAPG PPS payment for services provided in SFY 2015, 2016 and 2017; for subsequent dates of service, the term means the most recently available adjudicated 12 months of outpatient paid claims data to be identified by the Department.

"Outpatient crossover paid claims data" means SFY 2011 outpatient Medicaid/Medicare dual eligible fee-for-service paid claims data, excluding renal dialysis claims and therapy claims, for EAPG PPS payment for services provided in SFY 2015, 2016 and 2017; for subsequent dates of service, the term means most recently available adjudicated 12-months of outpatient paid claims data to be identified by the Department.

"Packaging factor" means a factor of 0 percent applicable for services designated with a Packaging flag by the EAPG grouper under default EAPG settings plus EAPG 430 (CLASS I CHEMOTHERAPY DRUGS), EAPG 435 (CLASS I PHARMACOTHERAPY), EAPG 495 (MINOR CHEMOTHERAPY DRUGS), EAPG 496 (MINOR PHARMACOTHERAPY), and EAPGs 1001-1020 (DURABLE MEDICAL EQUIPMENT LEVEL 1-20), and non-covered revenue codes defined in the Handbook for Hospital Services.

"Rate year cost inflation factor" means the cost inflation from the midpoint of the outpatient base period paid claims data to the midpoint of the rate year based on changes in Centers for Medicare and Medicaid Services (CMMS) input price index levels. For critical access hospital rates effective SFY 2015, the rate year cost inflation factor will be based on changes in CMMS input price index levels from the midpoint of SFY 2011 to SFY 2015.

"Region" means, for a given hospital, the rate region, as defined in 89 Ill. Adm. Code 140. Table J, within which the hospital is located.

"Total covered charges" means the amount entered for revenue code 001 in column 53 (Total Charges) on the Uniform Billing Form (form CMMS 1450), or one of its electronic transaction equivalents.

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(Source: Amended at 39 Ill. Reg. 10824, effective July 27, 2015)

Section 148.210 Filing Cost Reports

- a) Excepting those operated by an agency of the United States government, all hospitals in Illinois and hospitals in contiguous states providing 100 or more paid acute inpatient days of care to the Illinois Medicaid Program shall be required to file Medicaid and Medicare cost reports within 150 days after the close of that provider's fiscal year. Any hospital accredited by TJC [or another Health and Human Services Approved Accreditation Organization](#) not eligible for or subject to Medicare certification shall be required to file financial statements, a statement of revenues and expenses by program and census logs by program and financial class. The Bureau of Health Finance may request an audit of the financial statements by an independent Certified Public Accountant (CPA) firm if the financial statements are to be used as the base year for rate analysis.
- b) No extension of the Medicaid cost report due date will be granted by the Department unless the Centers for Medicare and Medicaid Services (CMMS) grants an extension of the due date for the related Medicare cost report. Should CMMS extend the Medicare cost report due date, the Department will extend the Medicaid and Medicare cost reports due date by an equivalent period of time.
- c) If the hospital has not filed the required Medicaid cost reports within 150 days after the close of the hospital's fiscal year, the Department shall suspend payment for covered medical services until the Department receives the required information.
- e) **Cost Report Reviews**
The Bureau of Health Finance shall audit the information shown on the cost reports. The audit shall be made in accordance with generally accepted auditing standards and shall include tests of the accounting and statistical records and applicable auditing procedures. Hospitals shall be notified of the results of the final audited cost report, which may contain adjustments and revisions that may have resulted from the audited Medicare Cost Report. Hospitals shall have the opportunity to request a review of the final audited cost report. The request must be received in writing by the Department within 45 days after the date of the Department's notice to the hospital of the results of the finalized audit. The request shall include all items of documentation and analysis that support the request for review. No additional data shall be accepted after the 45 day period.

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- f) Hospitals described in Section 148.25(a)(1) and (a)(2) shall be required to submit outpatient cost reports to the Department within 150 days after the close of the facility's fiscal year.

(Source: Amended at 39 Ill. Reg. 10824, effective July 27, 2015)

Section 148.297 Physician Development Incentive Payments

Effective for dates of service on or after July 1, 2014:

- a) A Medicaid Graduate Medical Education (GME) fund in Illinois will support and align with the State's current and projected physician workforce needs and goals including:
- 1) Increasing the number of primary care providers in Illinois;
 - 2) Increasing the number of primary care providers working in medically underserved areas; and
 - 3) Increasing the number of providers who are trained to practice in a patient-centered medical home setting within an integrated delivery system.
- b) The performance criteria for incentive payments of the program will be as follows:
- 1) Resident Continuity Clinics
 - A) 50 percent of funds are set aside for GME program resident continuity clinics meeting standards for at least one of the following:
 - i) Level II or III Patient Centered Medical Homes by the National Center for Quality Assurance.
 - ii) Primary Care Medical Home Certification by [TJC or another Health and Human Services Approved Accreditation Organization](#)~~the Joint Commission~~.

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- iii) Medical Home Accreditation by the Accreditation Association for Ambulatory Health Care.
 - B) Each program within a hospital meeting one of these certification or accreditation standards will receive an equal share of these funds.
- 2) Resident Practice Clinics
 - A) 25 percent of funds will be set aside for resident practice clinics with significant medically underserved populations.
 - B) Each program within a hospital meeting these standards will receive an equal share of these funds.
- 3) Continuity of Care Settings
 - A) 25 percent of funds set aside for written curricula in population medicine based on practice in continuity of care settings. The curriculum must contain competencies in population medicine. Population medicine curriculum competencies should include: preventive medicines; information technology for managing continuity of care practice panels; managing transitions of care; participating in team-based care and supporting patient-centered decision making. Programs must document that all residents received at least 20 hours a year in instruction in these areas.
 - B) Each program within a hospital meeting these standards will receive an equal share of these funds.
- c) Residency programs and the sponsoring medical centers will collect all information to be submitted for this program to HFS by June 1 each GME rate year. This includes, proof of certification requirements required in subsection (b)(1)(A), internal GME residency program data, and queries of GME program recent graduates.
- d) The submitted data from eligible GME programs will be reviewed for meeting program performance standards. The Department may require, for corroborating information and audit, any submission.

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- e) All GME residency programs meeting performance standards and qualifying to receive program funding will be announced annually. Subsequent to its determination of qualifying programs, the Department will disburse program funds to the hospitals that sponsor qualifying GME residency programs.
- f) The Department shall recover, through repayment by or recoupment against other funds payable to the hospital, program funds that have been found to have been disbursed in error.
- g) Definitions
 - 1) "GME" means graduate medical education.
 - 2) "GME rate year" means the 12-month period beginning on July 1 of each year, with the first GME rate year to begin on July 1, 2014.
 - 3) "Primary care GME programs" means either Accreditation Council on Graduate Medical Education (ACGME) or American Osteopathic Association (AOA) Post Graduate accredited residency programs in Family Medicine, Internal Medicine, Pediatrics and Internal Medicine-Pediatrics. Programs that are dual accredited by the ACGME and AOA are only eligible for a single yearly payment.
 - 4) "Significant medically underserved populations" means more than 50% of the individuals served by a qualifying residency practice clinic are enrolled in Medicaid or are uninsured. The denominator used in this calculation shall include all resident continuity clinics in a GME program practice. When more than one site is used for resident continuity of care practice, the designated practice site or sites used to calculate percent medically underserved must contain greater than 75% of all patients seen by residents in continuity practice.

(Source: Amended at 39 Ill. Reg. 10824, effective July 27, 2015)

Section 148.400 Special Hospital Reporting Requirements

Corrective Action Plans. Effective for dates of service on or after July 1, 2014, hospitals are responsible for assuring that services provided to Medical Assistance Program participants meet

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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or exceed the appropriate standards for care. Any provider that is under any corrective action plans, while enrolled with the Department, by any licensing, certification and/or accreditation authority, including, but not limited to, the Illinois Department of Public Health, the federal Department of Health and Human Services, a peer review organization, or TJC [or another Health and Human Services Approved Accreditation Organization](#), must report the request for the corrective action plans to the Department. Information submitted will remain confidential.

(Source: Amended at 39 Ill. Reg. 10824, effective July 27, 2015)

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Single Family Mortgage Purchase Program
- 2) Code Citation: 47 Ill. Adm. Code 220
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
220.101	Repeal
220.102	Repeal
220.103	Repeal
220.104	Repeal
220.105	Repeal
220.106	Repeal
220.107	Repeal
220.108	Repeal
220.109	Repeal
220.110	Repeal
220.111	Repeal
220.201	Repeal
220.202	Repeal
220.203	Repeal
220.204	Repeal
220.205	Repeal
220.301	Repeal
220.302	Repeal
220.303	Repeal
220.304	Repeal
220.305	Repeal
220.306	Repeal
220.307	Repeal
220.401	Repeal
220.402	Repeal
220.403	Repeal
220.404	Repeal
220.405	Repeal
- 4) Statutory Authority: Mortgage Subsidy Bond Tax Act of 1980 (26 USC 103A) and authorized by Sections 7.19 and 7.23 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.23]
- 5) Effective Date of Repealer: July 24, 2015

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED REPEALER

- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the repealer, including any material incorporated by reference, is available at the Illinois housing Development Authority's principal office located at 401 N. Michigan Avenue, Suite 700, Chicago IL 60611 and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: January 2, 2015; 39 Ill Reg 205
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Difference between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.
- 13) Will this repealer replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Repealer: This rule is being repealed as such rule is no longer being used to run an active program at the Illinois Housing Development Authority and a similar program is being run by a subsequent rule.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Karri Kartes
Staff Counsel
Legal Department
Illinois Housing Development Authority
401 N. Michigan Avenue, Suite 700
Chicago IL 60611

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Single Family Mortgage Purchase Program II
- 2) Code Citation: 47 Ill. Adm. Code 250
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
250.101	Repeal
250.102	Repeal
250.103	Repeal
250.104	Repeal
250.105	Repeal
250.106	Repeal
250.107	Repeal
250.108	Repeal
250.110	Repeal
250.111	Repeal
250.112	Repeal
250.113	Repeal
250.114	Repeal
250.201	Repeal
250.202	Repeal
250.203	Repeal
250.204	Repeal
250.205	Repeal
250.206	Repeal
250.301	Repeal
250.302	Repeal
250.303	Repeal
250.304	Repeal
250.305	Repeal
250.306	Repeal
250.307	Repeal
250.401	Repeal
250.402	Repeal
250.403	Repeal
250.404	Repeal
250.405	Repeal
250.406	Repeal

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED REPEALER

- 4) Statutory Authority: Sections 7.19 and 7.23 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.23]
- 5) Effective Date of Repealer: July 24, 2015
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the repealer, including any material incorporated by reference, is available at the Illinois housing Development Authority's principal office located at 401 N. Michigan Avenue, Suite 700, Chicago IL 60611 and is available for public inspection.
- 9) Notice of Proposed Repealer published in the *Illinois Register*: January 2, 2015; 39 Ill. Reg. 225
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Difference between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.
- 13) Will this repealer replace an emergency repealer currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Repealer: This rule is being repealed as such rule is no longer being used to run an active program at the Illinois Housing Development Authority and a similar program is being run by a subsequent rule.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Karri Kartes
Staff Counsel
Legal Department
Illinois Housing Development Authority
401 N. Michigan Avenue, Suite 700
Chicago IL 60611

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Workers' Compensation Electronic and Standardized Paper Billing
- 2) Code Citation: 50 Ill. Adm. Code 2908
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2908.10	New Section
2908.20	New Section
2908.30	New Section
2908.40	New Section
2908.50	New Section
2908.60	New Section
2908.70	New Section
2908.80	New Section
2908.90	New Section
- 4) Statutory Authority: Section 8.2a of the Workers' Compensation Act [820 ILCS 305/8.2a]
- 5) Effective Date of Rule: July 24, 2015
- 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 rule, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 38 Ill. Reg. 16557; August 8, 2014
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version:

2908 title: Changed "CLAIMS" to "ELECTRONIC AND STANDARDIZED PAPER BILLING".

2908 table of contents, deleted "2908.100 Submission of Payer Companion Guide".

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

2908.10, 1st line: added comma after "'or the employer's or insurer's payer or payer's agent, and every third party administrator" after "insurer".

2908.20, 1st line: changed "The" to "Subject to Section 8.2a of the Act, the; second line, added "and facility" after "medical"; ", treatments" after "services"; and "and to adopt standardized forms" after "products"; third line, deleted "subject to Section 8.2a of the Act".

2908.30: deleted the definition of "Complete electronic bill" from the rule.

2908.30, in the definition of "Companion Guide", 1st line, changed "jurisdiction's" to "IAIABC"; 2nd line, after "Guides" added "(IAIABC Workers' Compensation Electronic Medical Billing Model Rule and IAIABC Workers' Compensation Electronic Billing and Payment National Companion Guide (Version 2.1) published by the International Association of Industrial Accident Boards and Commissions, 5610 Medical Circle, Suite 24, Madison WI 53719 (2014; no later amendments or editions) available at <http://www.iaiaabc.org/i4a/pages/index.cfm?pageid=3990#Handbooks>)".

2908.30, in the definition of "Health Plan Identifier", 2nd line: changed "160.103" to "162.506".

2908.30, after the definition of "Health Plan Identifier", added definition "'IAIABC" means the International Association of Industrial Accident Boards and Commissions".

2908.30, definition of "National Provider Identification Number", 2nd line: added "(See 42 CFR 506.)" after "Secretary."

2908.30, definition of "Other Entity Identifier", 3rd line: changed "160.103" to "162.514".

2908.40(a)(2)(B), 2nd line: changed "(a)(1)" to "(a)(1)(D)".

2908.40(a)(3), 4th and 6th lines: replaced the comma after "ASC X12" with a slash.

2908.50, 2nd and 4th lines, and 2908.50(b), 4th line: changed "7110" to "9110".

2908.50(a), 2nd line: after "association" added ", as published in CDT 2015: Dental Procedure Codes, September 2014, American Dental Association, 211 East Chicago Ave.

DEPARTMENT OF INSURANCE

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Chicago, IL 60611-2678, website <http://www.ada.org/en/> (no later amendments or editions)".

2908.50(c), 4th line: added "(See 42 CFR 412.)" after the period.

2908.50(g), 2nd line: added "(See Section 510 of the Federal Food, Drug, and Cosmetic Act (21 USC 360).)" after "Administration."

2908.50(h), 3rd line: added "The revenue codes are contained in the Official UB-04 Data Specifications Manual 2016 (Manual 2016), July 2015, National Uniform Billing Committee, website <http://www.nubc.org/> (no later amendments or editions)." after "services."

2908.50(i), 3rd line: added "These are known as UB-04 Codes and are contained in Manual 2016." after "codes".

2908.60(a)(1), 7th line: c changed "Codes)" to "Forms) as applicable to the service rendered" after "2017").

2908.60(b), 1st line: added subsection header "Complete Electronic Medical Bills"; moved down a line and changed remaining text in lines 355-356 to "To be considered a complete electronic medical bill, the bills or supporting transmission shall:"

2908.60(b)(1) and (2), 1st lines: changed "Are" to "Be".

2908.60(b)(3), 1st line: after "bill" added "that is in the possession of the provider".

2908.60(c)(3)(C), 2nd line: deleted "that".

2908.60(d)(2), 2nd line: after "mail" added "first class U.S. Mail," and changed "45 CFR 164.530" to "Section 2908.40(a)".

2908.60(d)(3)(D): changed "Dates" to "Date or dates".

2908.60(d)(4), 2nd and 4th lines: changed "7" to "14".

2908.60(e), 2nd line: changed "71190.90" to "9110.90".

2908.60(f), 2nd line: added "as applicable to the service rendered" after "2017".

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2908.60(g), 4th line: added a period after "2908.70".

2908.60(m)(1), 2nd line: struck "submit or".

2908.70(b), 2nd line: added "medical" after "electronic".

2908.100: deleted heading and all text.

- 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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rule is required to implement the electronic claims provisions contained in Section 8.2a of the Illinois Workers' Compensation Act [820 ILCS 305/8.2a]. The focus of this rule is to provide a legal framework for electronic billing, processing, and payment of medical services and products provided to an injured employee.
- 16) Information and questions regarding this adopted rule shall be directed to:

Joseph Clennon, Assistant General Counsel
Illinois Department of Insurance
320 West Washington St.
Springfield IL 62767-0001

217/557-1396
fax: 217/524-9033

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER hh: WORKERS' COMPENSATIONPART 2908
WORKERS' COMPENSATION ELECTRONIC AND
STANDARDIZED PAPER BILLING

Section	
2908.10	Applicability
2908.20	Purpose and Scope
2908.30	Definitions
2908.40	Formats for Electronic Medical Bill Processing
2908.50	Billing Code Sets
2908.60	Electronic Medical Billing, Reimbursement and Documentation
2908.70	Employer, Insurance Carrier, Managed Care Organization or Agents' Receipt of Medical Bills from Health Care Providers
2908.80	Communication Between Health Care Providers and Payers
2908.90	Medical Documentation Necessary for Billing Adjudication

AUTHORITY: Implementing and authorized by Section 8.2a of the Workers' Compensation Act [820 ILCS 305/8.2a].

SOURCE: Adopted at 39 Ill. Reg. 10872, effective July 24, 2015.

Section 2908.10 Applicability

Every employer and insurer, or the employer's or insurer's payer or payer's agent, and every third party administrator must accept electronic claims for payment of medical services as provided by Section 8.2a of the Act. Every health care provider or facility rendering treatment pursuant to the Act must submit medical bills for payment on standardized forms either electronically or on paper as provided by Section 8.2a of the Act.

Section 2908.20 Purpose and Scope

Subject to Section 8.2a of the Act, the purpose of this Part is to set forth the requirements for electronic billing, processing and payment of medical and facility services, treatments and products and to adopt standardized forms provided to an injured employee.

DEPARTMENT OF INSURANCE

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Section 2908.30 Definitions

"Act" means the Workers' Compensation Act [820 ILCS 305].

"ASC X12 Standards for Electronic Data Interchange" means Accredited Standards Committee X12 (ASC X12) EDI American National Standards, with reports incorporated by reference in this Part published by Washington Publishing Company, 2107 Elliott Ave., Suite 305, Seattle WA 98121.

"Business day" means Monday through Friday, excluding days on which a holiday is observed by the State.

"CAQH CORE" means the Council for Affordable Quality Healthcare Committee on Operating Rules for Information Exchange, which is a national standards organization that develops operating rules for the business aspects of HHS mandates for electronic healthcare transactions.

"Clearinghouse" means a public or private entity, including a billing service, repricing company, community health management information system or community health information system, and "value-added" networks and switches, that is an agent of either the payer or the provider and that may perform the following functions:

Processes or facilitates the processing of medical billing information, received from a client in a nonstandard format or containing nonstandard data content, into standard data elements or a standard transaction for further processing of a bill related transaction; or

Receives a standard transaction from another entity and processes or facilitates the processing of medical billing information into nonstandard format or nonstandard data content for a client entity.

"Commission" means the Illinois Workers' Compensation Commission.

"CMMS" means the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services (HHS), the federal agency that administers these programs.

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"Companion Guide" means the IAIABC Workers' Compensation Electronic Billing and Payment Companion Guides, based on IAIABC National Companion Guides (IAIABC Workers' Compensation Electronic Medical Billing Model Rule and IAIABC Worker's Compensation Electronic Billing and Payment National Companion Guide (Version 2.1) published by the International Association of Industrial Accident Boards and Commissions, 5610 Medical Circle, Suite 24, Madison WI 53719 (2014; no later amendments or editions) available at <http://www.iaiacb.org/i4a/pages/index.cfm?pageid=3990#Handbooks>), a separate document that gives detailed information for Electronic Data Interchange (EDI) medical billing and payment for the workers' compensation industry using national standards and Illinois Workers' Compensation Commission procedures.

"Complete electronic medical bill" means a medical bill that meets all of the criteria enumerated in Section 2908.60(b).

"Electronic" refers to a communication between computerized data exchange systems that complies with the standards enumerated in this Part.

"Health care provider" means a person or entity, appropriately certified or licensed, as required, who provides medical services or products to an injured worker in accordance with the Act.

"Health care provider agent" means a person or entity that contracts with a health care provider establishing an agency relationship to process bills for services provided by the health care provider under the terms and conditions of a contract between the agent and health care provider. The contracts may permit the agent to submit bills, request reconsideration, receive reimbursement, and seek medical dispute resolution for the health care provider services billed.

"Health Plan Identifier" or "HPID" means an identifier for health plans (as defined in 45 CFR 162.506) that need to be identified in standard transactions.

"IAIABC" means the International Association of Industrial Accident Boards and Commissions.

"NCPDP" means National Council for Prescription Drug Programs.

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"National Provider Identification Number" or "NPI" means the unique identifier assigned to a health care provider or health care facility by the HHS Secretary. (See 42 CFR 506.)

"Other Entity Identifier" or "OEID" means an identifier for entities that are not health plans, health care providers or "individuals" (as defined in 45 CFR 162.514), but that need to be identified in standard transactions (including, for example, workers' compensation payers, third party administrators, transaction vendors, clearinghouses and other payers).

"Operating Rules" means the necessary business rules and guidelines for the electronic exchange of information that are not defined by a standard or its implementation specifications.

"Payer" means the insurer or authorized self-insured employer legally responsible for paying the workers' compensation medical bills.

"Payer agent" includes, but is not limited to, any person or entity that performs medical bill related processes for the payer responsible for the bill. These processes include, but are not limited to, reporting to government agencies, electronic transmission, forwarding or receipt of documents, review of reports, review of bills, adjudication of bills, and their final payment.

"Supporting documentation" means those documents necessary for the payer to process a bill.

"Technical Report Type 3" (TR3 Implementation Guide) is an ASC X12 published document for national electronic standard formats that specifies data requirements and data transaction sets, incorporated by reference in Section 2908.40(a).

Section 2908.40 Formats for Electronic Medical Bill Processing

- a) For electronic transactions, the following electronic medical bill processing standards shall be used:
 - 1) Billing:
 - A) Professional Billing –

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The ASC X12 Standards for Electronic Data Interchange Technical Report Type 3, Health Care Claim: Professional (837), May 2006, ASC X12, 005010X222 (no later amendments or editions); and Type 3 Errata to Health Care Claim: Professional (837), June 2010, ASC X12, 005010X222A1 (no later amendments or editions);

B) Institutional/Hospital Billing –

- i) The ASC X12 Standards for Electronic Data Interchange Technical Report Type 3, Health Care Claim: Institutional (837), June 2010, ASC X12N/005010X223 (no later amendments or editions);
- ii) Type 1 Errata to Health Care Claim: Institutional (837), ASC X12 Standards for Electronic Data Interchange Technical Report Type 3, October 2007, ASC X12N/005010X223A1 (no later amendments or editions); and
- iii) Type 3 Errata to Health Care Claim: Institutional (837), June 2010, ASC X12, 005010X223A2 (no later amendments or editions);

C) Dental Billing –

- i) The ASC X12 Standards for Electronic Data Interchange Technical Report Type 3, Health Care Claim: Dental (837), June 2010, ASC X12N/005010X224 (no later amendments or editions);
- ii) Type 1 Errata to Health Care Claim: Dental (837), ASC X12 Standards for Electronic Data Interchange Technical Report Type 3, October 2007, ASC X12N/005010X224A1 (no later amendments or editions); and
- iii) Type 3 Errata to Health Care Claim: Dental (837), June 2010, ASC X12, 005010X224A2 (no later amendments or editions);

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- D) Retail Pharmacy Billing –
 - i) The Telecommunication Standard Implementation Guide, Version D, Release 0 (Version D.0), August 2007, National Council for Prescription Drug Programs, 9240 East Raintree Drive, Scottsdale AZ 85260, July 2012 (no later amendments or editions); and
 - ii) The Batch Standard Batch Implementation Guide, Version 1, Release 2 (Version 1.2), January 2006, National Council for Prescription Drug Programs, 9240 East Raintree Drive, Scottsdale AZ 85260, July 2012 (no later amendments or editions).
- 2) Acknowledgment:
 - A) Electronic responses to ASC X12N 837 transactions:
 - i) The ASC X12 Standards for Electronic Data Interchange TA1 Interchange Acknowledgment contained in the standards adopted under subsection (a)(1);
 - ii) The ASC X12 Standards for Electronic Data Interchange Technical Report Type 3, Implementation Acknowledgment for Health Care Insurance (999), June 2007, ASC X12N/005010X231 (no later amendments or editions); and
 - iii) The ASC X12 Standards for Electronic Data Interchange Technical Report Type 3, Health Care Claim Acknowledgment (277CA), January 2007, ASC X12N/005010X214 (no later amendments or editions);
 - B) Electronic responses to NCPDP transactions: the response contained in the standards adopted under subsection (a)(1)(D).
- 3) Electronic Remittance Advice (ERA):

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The ASC X12 Standards for Electronic Data Interchange Technical Report Type 3, Health Care Claim Payment/Advice (835), April 2006, ASC X12N/005010X221 (no later amendments or editions); and Type 3 Errata to Health Care Claim Payment/Advice (835), June 2010, ASC X12/005010X221A1 (no later amendments or editions).

- 4) ASC X12 Ancillary Formats:
 - A) The ASC X12N/005010X213 Request for Additional Information (277) is used to request additional attachments that were not originally submitted with the electronic medical bill.
 - B) Health Claim Status Request and Response
The use of the Health Claim Status Request and Response, 005010X213, shall be by mutual agreement.
- 5) Documentation submitted with an electronic medical bill in accordance with Section 2908.60(d) (Electronic Documentation): ASC X12N Additional Information to Support a Health Claim or Encounter (275), February 2008, ASC X12/005010X210 (no later amendments or editions).
- b) Insurance carriers and health care providers may exchange electronic data in a nonprescribed format by mutual agreement. All data elements required pursuant to this Part shall be present in a mutually agreed upon format.
- c) The implementation specifications for the ASC X12N and the ASC X12 Standards for Electronic Data Interchange may be obtained from the ASC X12, 7600 Leesburg Pike, Suite 430, Falls Church VA 22043; Telephone (703) 970-4480 and FAX (703) 970-4488. They are also available through the Internet at <http://store.x12.org/>. A fee is charged for all implementation specifications.
- d) The implementation specifications for the retail pharmacy standards may be obtained from the National Council for Prescription Drug Programs, 9240 East Raintree Drive, Scottsdale AZ 85260; Telephone (480) 477-1000 and FAX (480) 767-1042. They are also available through the Internet at <http://www.ncdpd.org>. A fee is charged for all implementation specifications.
- e) Nothing in this Section prohibits payers and health care providers, through mutual agreement, from using a direct data entry methodology for complying with these

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requirements, provided the methodology complies with the data content requirements of the adopted formats and this Part.

Section 2908.50 Billing Code Sets

All billing codes and modifier systems used for electronic billing shall be in accordance with 50 Ill. Adm. Code 9110.90 (Illinois Workers' Compensation Commission Medical Fee Schedule). Billing codes and modifier systems identified in this Section are valid codes for the specified workers' compensation transactions, in addition to any code sets defined by the standards adopted in the Workers' Compensation Act [820 ILCS 305] and 50 Ill. Adm. Code 9110.90.

- a) "CDT-4 Codes" – codes and nomenclature prescribed by the American Dental Association, as published in CDT 2015: Dental Procedure Codes, September 2014, American Dental Association, 211 East Chicago Ave., Chicago IL 60611-2678, website <http://www.ada.org/en/> (no later amendments or editions).
- b) "CPT-4 Codes" – the procedural terminology and codes contained in the "Current Procedural Terminology, Fourth Edition", as published by the American Medical Association (AMA) and as adopted in the appropriate fee schedule contained in 50 Ill. Adm. Code 9110.90.
- c) "Diagnosis Related Group" or "DRG" – the inpatient classification scheme used by CMMS for hospital inpatient reimbursement. The DRG system classifies patients based on principal diagnosis, surgical procedure, age, presence of co-morbidities and complications, and other pertinent data. (See 42 CFR 412.)
- d) "HCPCS" – CMMS' Healthcare Common Procedure Coding System, a coding system that describes products, supplies, procedures and health professional services and that includes AMA's CPT-4 codes, alphanumeric codes, and related modifiers.
- e) "ICD-9-CM Codes" – diagnosis and procedure codes in the International Classification of Diseases, 9th Revision, Clinical Modification, published by HHS.
- f) "ICD-10-CM/PCS Codes" – diagnosis and procedure codes in the International Classification of Diseases, 10th Edition, Clinical Modification/Procedure Coding System, maintained and published by HHS.

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- g) "NDC" – National Drug Codes of the United States Food and Drug Administration. (See Section 510 of the Federal Food, Drug, and Cosmetic Act (21 USC 360).)
- h) "Revenue Codes" – the 4-digit coding system developed and maintained by the National Uniform Billing Committee (NUBC) for billing inpatient and outpatient hospital services, home health services, and hospice services. The revenue codes are contained in the Official UB-04 Data Specifications Manual 2016 (Manual 2016), July 2015, National Uniform Billing Committee, website <http://www.nubc.org/> (no later amendments or editions).
- i) "National Uniform Billing Committee Codes" – code structure and instructions established for use by NUBC, such as occurrence codes, condition codes, or prospective payment indicator codes. These are known as UB-04 codes and are contained in Manual 2016.

Section 2908.60 Electronic Medical Billing, Reimbursement and Documentation

- a) Applicability
 - 1) This Section outlines the exclusive process for the initial exchange of electronic medical bill and related payment processing data for professional, institutional/hospital, pharmacy and dental services. This Section does not apply when a hospital, physician, surgeon or other person rendering treatment pursuant to the Act is submitting a standardized form on paper in conformity with 50 Ill. Adm. Code 2017 (Uniform Medical Claim and Billing Forms) as applicable to the service rendered or responding to requests for reconsideration or judicial appeals concerning any matter related to medical compensation or requests for informational copies of medical records.
 - 2) Unless exempted from this process in accordance with subsection (m), payers or their agents shall:
 - A) Accept electronic medical bills submitted in accordance with the standards set forth in this Part;

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- B) Transmit acknowledgments and remittance advice in compliance with this Part, in response to electronically submitted medical bills; and
 - C) Support methods to receive electronic documentation required for the adjudication of a bill, as described in Section 2908.90.
- 3) Before accepting an electronically submitted medical bill, the payer shall ensure that the medical provider or clearing house:
- A) has implemented a software system capable of exchanging medical bill data in accordance with the adopted standards or has contracted with a clearinghouse to exchange its medical bill data;
 - B) is able to submit medical bills in accordance with Section 2908.40(a)(1) to the payer and has established connectivity between the payer and the health care provider's or clearinghouse's system;
 - C) can submit required documentation in accordance with this Part; and
 - D) can receive and process any acceptance or rejection acknowledgment from the payer.
- b) Complete Electronic Medical Bill
To be considered a complete electronic medical bill, the bill or supporting transmission shall:
- 1) Be submitted in the correct billing format, with the correct billing code sets as set forth in Section 2908.50;
 - 2) Be transmitted in compliance with the format requirements described in Section 2908.40;
 - 3) Include in legible text all supporting documentation for the bill that is in the possession of the provider, including, but not limited to, medical reports and records, including, but not limited to, evaluation reports, narrative reports, assessment reports, progress reports/notes, clinical notes,

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hospital records and diagnostic test results that are expressly required by law or can reasonably be expected by the payer or its agent;

- 4) Identify the:
 - A) Injured employee;
 - B) Employer;
 - C) Insurance carrier, third party administrator, managed care organization or its agent;
 - D) Health care provider; and
 - E) Medical service or product.
- c) Acknowledgment
 - 1) An Interchange Acknowledgment (TA1), as specified in Section 2908.40(a)(2)(A)(i), notifies the sender of the receipt of, and certain structural defects associated with, an incoming transaction.
 - 2) An Implementation Acknowledgment (ASC X12 999) transaction as specified in Section 2908.40(a)(2)(A)(ii) is an electronic notification to the sender of the file that it has been received and has been:
 - A) Accepted as a complete and structurally correct file; or
 - B) Rejected with a valid rejection code.
 - 3) A Health Care Claim Acknowledgment (ASC X12 277CA) transaction as specified in Section 2908.40(a)(2)(A)(iii) is an electronic acknowledgment to the sender of an electronic transaction that the transaction has been received and has been:
 - A) Accepted as a complete, correct submission; or
 - B) Rejected with a valid rejection code.

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- 4) A payer shall acknowledge receipt of an electronic medical bill by returning an Implementation Acknowledgment (ASC X12 999) within one business day after receipt of the electronic submission.
 - A) Notification of a rejected bill is transmitted using the appropriate acknowledgment when an electronic medical bill does not meet the definition of a complete electronic medical bill as described in this subsection (c).
 - B) A health care provider or its agent shall not submit a duplicate electronic medical bill earlier than 60 business days from the date originally submitted if a payer has acknowledged acceptance of the original complete electronic medical bill. A health care provider or its agent may submit a corrected medical bill electronically to the payer after receiving notification of a rejection. The corrected medical bill is submitted as a new, original bill.
- 5) A payer shall acknowledge receipt of an electronic medical bill by returning a Health Care Claim Status Response or Acknowledgment (ASC X12 277CA) transaction (detail acknowledgment) within two business days after receipt of the electronic submission.
 - A) Notification of a rejected bill is transmitted in an ASC X12N 277CA response or acknowledgment when an electronic medical bill does not meet the definition of a complete electronic medical bill or does not meet the edits defined in the applicable implementation guide or guides.
 - B) A health care provider or its agent shall not submit a duplicate electronic medical bill earlier than 30 business days from the date originally submitted if a payer has acknowledged acceptance of the original complete electronic medical bill. A health care provider or its agent may submit a corrected medical bill electronically to the payer after receiving notification of a rejection. The corrected medical bill is submitted as a new, original bill.
- 6) Acceptance of a complete medical bill is not an admission of liability by the payer. A payer may subsequently reject an accepted electronic medical

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bill if the employer or other responsible party named on the medical bill is not legally liable for its payment.

- A) The rejection shall be transmitted by means of an 835 transaction.
 - B) The subsequent rejection of a previously accepted electronic medical bill shall occur no later than 30 days from the date of receipt of the complete electronic medical bill.
 - C) The transaction to reject the previously accepted complete medical bill shall clearly indicate the reason for rejection is that the payer is not legally liable for its payment.
- 7) Acceptance of a complete or incomplete medical bill by a payer does not begin the time period by which a payer shall accept or deny liability for any alleged claim related to the medical treatment pursuant to the Act.
- 8) Transmission of an Implementation Acknowledgment (ASC X12 999) under subsection (c)(2), and acceptance of a complete, structurally correct file, serves as proof of the received date for an electronic medical bill in this subsection (c).
- d) Electronic Documentation
- 1) Electronic documentation, including, but not limited to, medical reports and records submitted electronically that support an electronic medical bill, may be required by the payer before payment may be remitted to the health care provider.
 - 2) Complete electronic documentation shall be submitted by secure fax, secure encrypted electronic mail, first class U.S. Mail, or in conformity with Section 2908.40(a).
 - 3) The electronic transmittal by fax or electronic mail must be submitted, either by secure fax or by secure encrypted electronic mail or any other secure electronic format, and shall contain the following details prominently on its cover sheet or first page of the transmittal:
 - A) The name of the injured employee;

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- B) Identification of the worker's employer if known, the employer's insurance carrier, or the third party administrator or its agent handling the workers' compensation claim;
 - C) Identification of the health care provider billing for services to the injured worker and, when applicable, its agent;
 - D) Date or dates of service;
 - E) The workers' compensation claim number assigned by the payer, if established by the payer; and
 - F) the unique attachment indicator number.
- 4) When requested by the payer, a health care provider or its agent shall submit electronic documentation within 14 business days after the request. Electronic documentation may be submitted simultaneously with the electronic medical bill or may be submitted separately within 14 business days after successful submission of the electronic medical bill.
- 5) If electronic transmittal of documentation proves to be impossible or infeasible, the documentation will be sent via first class mail to the address of record for the payer. Electronic transmittal is presumed to be infeasible if the electronic routing information to the payer is not available through normal means of transmittal allowed by this Part. Documentation transmitted via first class mail must contain the following details prominently:
- A) The name of the injured employee;
 - B) Identification of the worker's employer to the extent known, the employer's insurance carrier, or the third party administrator or its agent handling the workers' compensation claim;
 - C) Identification of the health care provider billing for services to the injured worker and, when applicable, its agent;
 - D) Dates of service; and

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- E) The workers' compensation claim number assigned by the payer, if established by the payer.
- 6) When a signed release is required from the injured worker before release of requested records, the request is not complete and actionable until the medical provider or its agent has received a valid, signed release form.
- e) Electronic Remittance Advice (ERA) and Electronic Funds Transfer (EFT)
 - 1) An Electronic Remittance Advice (ERA) is an explanation of benefits (EOB) or explanation of review (EOR) submitted electronically regarding payment or denial of a medical bill, recoupment request or receipt of a refund.
 - 2) A payer shall provide an ERA in accordance with 50 Ill. Adm. Code 9110.90.
 - 3) The ERA shall contain the appropriate Group Claim Adjustment Reason Codes, Claim Adjustment Reason Codes (CARC) and associated Remittance Advice Remark Codes (RARC) as specified by the ASC X12 Technical Report Type 2 (TR2) Workers' Compensation Code Usage Section for pharmacy charges, the NCPDP Reject Codes, National Council for Prescription Drug Programs, 9240 East Raintree Drive, Scottsdale AZ 85260 (http://www.ncdp.org/standards_info.aspx) (July 2012, no later amendments or editions), denoting the reason for payment, adjustment or denial. Instructions for the use of the ERA and code sets are found in section 7.4 of the IAIABC eBill Companion Guide.
 - 4) The ERA shall be sent before 5 days after:
 - A) the expected date of receipt by the medical provider of payment from the payer; or
 - B) the date the bill was rejected by the payer.
- f) Payers shall accept from health care providers paper medical bills for payment in the formats set forth in 50 Ill. Adm. Code 2017 as applicable to the service rendered.

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- g) A payer shall not accept or submit a duplicate paper medical bill from a health care provider or its agent earlier than 30 business days from the date originally submitted unless the payer has returned the medical bill as incomplete in accordance with Section 2908.70. A payer may accept a corrected paper medical bill after the return of an incomplete medical bill. The corrected medical bill is submitted as a new, original bill.
- h) Unless the payer or its agent is exempted from the electronic medical billing process in accordance with this Section, it should attempt to establish connectivity through a trading partner agreement with any clearinghouse that requests the exchange of data in accordance with Section 2908.40.
- i) No party to the electronic transactions shall charge excessive fees to any other party in the transaction. A payer or clearinghouse that requests another payer or clearinghouse to receive, process or transmit a standard transaction shall not charge fees or costs in excess of the fees or costs for normal telecommunications that the requesting entity incurs when it directly transmits or receives a standard transaction.
- j) A payer may accept reasonable fees related to data translation, data mapping and similar data functions when the health care provider is not capable of submitting a standard transaction. In addition, a payer may accept a reasonable fee related to:
 - 1) Transaction management of standard transactions, such as editing, validation, transaction tracking, management reports, portal services and connectivity; and
 - 2) Other value added services, such as electronic file transfers related to medical documentation.
- k) A payer or its agent may not reject a standard transaction on the basis that it contains data elements not needed or used by the payer or its agent, or that the electronic transaction includes data elements that exceed those required for a complete bill as enumerated in subsection (b).
- l) A payer may offer to a health care provider electing to submit bills electronically, who has not implemented a software system capable of sending standard transactions, an Internet-based direct data entry system if the payer does not

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charge a transaction fee. A health care provider using an Internet-based direct data entry system offered by a payer or other entity must use the appropriate data content and data condition requirements of the standard transactions.

- m) Exemption
 - 1) The Director of Insurance may grant exemptions to employers and insurance carriers who are unable to accept medical bills electronically.
 - 2) Requests must be submitted in writing to the Director.
 - 3) Grounds for exemption will be based on the following factors:
 - A) Premium volume;
 - B) Number of policyholders; and
 - C) Expense to comply would be burdensome.

Section 2908.70 Employer, Insurance Carrier, Managed Care Organization or Agents' Receipt of Medical Bills from Health Care Providers

- a) Upon receipt of medical bills submitted in accordance with Sections 2908.30, 2908.40 and 2908.50, a payer shall evaluate each bill's conformance with the criteria for a complete medical bill set forth in Section 8.2(d) of the Act.
 - 1) A payer shall not reject medical bills that are complete, unless the bill is a duplicate bill.
 - 2) Within 21 calendar days after receipt of an incomplete medical bill, a payer or its agent shall either:
 - A) Complete the bill by adding missing health care provider identification or demographic information already known to the payer; or
 - B) Reject the incomplete bill in accordance with this subsection (a).

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- b) The received date of an electronic medical bill is the date all of the contents of a complete electronic medical bill are successfully received by the claims payer. Transmission of an Implementation Acknowledgment (ASC X12 999) under Section 2908.40(a)(2), and acceptance of a complete, structurally correct file, serve as proof of the received date for an electronic medical bill in this subsection (b).
- c) The payer may contact the medical provider to obtain the information necessary to make the bill complete.
- 1) Any request by the payer or its agent for additional documentation to pay a medical bill shall:
- A) be made by telephone or electronic transmission unless the information cannot be sent by those media, in which case the sender shall send the information by first class mail or personal delivery;
 - B) be specific to the bill or the bill's related episode of care;
 - C) describe with specificity the clinical and other information to be included in the response;
 - D) be relevant and necessary for the resolution of the bill;
 - E) be for information that is contained in or is in the process of being incorporated into the injured employee's medical or billing record maintained by the health care provider; and
 - F) indicate the specific reason for which the insurance carrier is requesting the information.
- 2) If the payer or its agent obtains the missing information and completes the bill to the point it can be adjudicated for payment, the payer shall document the name and telephone number of the person who supplied the information.
- 3) Payers shall maintain documentation of any pertinent internal or external communications that are necessary to make the medical bill complete.

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- d) A payer shall not return a medical bill except as provided in subsection (a). When rejecting or denying an electronic medical bill, the payer shall clearly identify the reasons for the bill's rejection or denial by utilizing the appropriate Reason and Rejection Code identified in the standards incorporated by reference in Section 2908.40.
- e) The rejection of an incomplete medical bill in accordance with this Section fulfills the obligation of the payer to provide to the health care provider or its agent information related to the incompleteness of the bill.
- f) Payers shall timely reject incomplete bills or request additional information needed to reasonably determine the amount payable.
 - 1) For bills submitted electronically, the rejection of the entire bill or the rejection of specific service lines included in the initial bill shall be sent to the submitter within two business days after receipt.
 - 2) If bills are submitted in a batch transmission, only the specific bills failing edits shall be rejected.
 - 3) If there is a technical defect within the transmission itself that prevents the bills from being accessed or processed, the transmission will be rejected with a TA1 and/or a 999 transaction, as appropriate.
- g) If a payer has reason to challenge the coverage or amount of a specific line item on a bill, but has no reasonable basis for objections to the remainder of the bill, the uncontested portion must be paid timely, as defined in subsection (h).
- h) Payment of all uncontested portions of a complete medical bill shall be made within 30 days after receipt of the original bill or receipt of additional information requested by the payer allowed under the law. Amounts paid after this 30 day review period will accrue an interest penalty of one percent per month after the due date. The interest payment must be made at the same time as the medical bill payment.
- i) A payer shall not reject or deny a medical bill except as provided in this Section. When rejecting or denying a medical bill, the payer shall also communicate the reasons for the medical bill's rejection or denial.

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Section 2908.80 Communication Between Health Care Providers and Payers

- a) Any communication between the health care provider and the payer related to medical bill processing shall be of sufficient specific detail to allow the responder to easily identify the information required to resolve the issue or question related to the medical bill. Generic statements that simply state a conclusion, including, but not limited to, "payer improperly reduced the bill" or "health care provider did not document" or other similar phrases with no further description of the factual basis for the sender's position, do not satisfy the requirements of this Section.
- b) The payer's utilization of the Claim Adjustment Group Codes, Claim Adjustment Reason Codes, and/or the Remittance Advice Remark Codes, or as appropriate, the NCPDP Reject/Payment Codes, specified in Section 2908.60(e)(3), when communicating with the health care provider or its agent or assignee through the use of the 835 transaction, provides a standard mechanism to communicate issues associated with the medical bill.
- c) Communication between the health care provider and payer related to medical bill processing shall be made by telephone or secured electronic transmission unless the information cannot be sent by those media, in which case the sender shall send the information by first class mail or personal delivery.

Section 2908.90 Medical Documentation Necessary for Billing Adjudication

- a) Medical documentation includes all medical reports and records permitted or required in accordance with the Act.
- b) Requests for medical reports shall be accompanied by releases from the patient.
- c) Any request by the payer for additional documentation to process a medical bill shall conform to the requirements of Section 2908.70(c).
- d) It is the obligation of an insurer or employer to furnish its agents with any documentation necessary for the resolution of a medical bill.
- e) Payers shall take reasonable steps to ensure that health care providers, health care facilities, third-party biller/assignees, and claims administrators and their agents

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comply with all applicable federal and State rules related to privacy, confidentiality and security.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: General Hunting and Trapping on Department-Owned or -Managed Sites
- 2) Code Citation: 17 Ill. Adm. Code 510
- 3) Section Number: 510.10 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515]
- 5) Effective Date of Rule: July 27, 2015
- 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 rulemaking, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: April 3, 2015, 39 Ill. Reg. 4523
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part has been amended to increase safety by making it unlawful to possess illegal drugs or be under the influence of alcohol, illegal

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drugs, or intoxicating compounds while in any hunting/trapping area for the purpose of hunting or trapping. An amendment is also needed to make it easier for sportsmen to participate in the online windshield system.

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

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 510
GENERAL HUNTING AND TRAPPING ON
DEPARTMENT-OWNED OR -MANAGED SITES

Section

- 510.10 General Site Regulations
510.20 Hunting and Trapping by Special Permit

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515].

SOURCE: Adopted at 5 Ill. Reg. 8011, effective July 24, 1981; codified at 5 Ill. Reg. 10633; amended at 6 Ill. Reg. 9637, effective July 21, 1982; amended at 7 Ill. Reg. 10775, effective August 24, 1983; amended at 8 Ill. Reg. 13700, effective July 24, 1984; amended at 9 Ill. Reg. 11610, effective July 16, 1985; amended at 10 Ill. Reg. 15597, effective September 16, 1986; amended at 11 Ill. Reg. 9535, effective May 5, 1987; amended at 12 Ill. Reg. 11724, effective June 30, 1988; amended at 13 Ill. Reg. 10583, effective June 19, 1989; amended at 14 Ill. Reg. 14762, effective September 4, 1990; amended at 15 Ill. Reg. 9966, effective June 24, 1991; amended at 16 Ill. Reg. 11064, effective June 30, 1992; amended at 17 Ill. Reg. 10775, effective July 1, 1993; amended at 19 Ill. Reg. 10608, effective July 1, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14804, effective August 3, 1998; amended at 24 Ill. Reg. 8923, effective June 19, 2000; emergency amendment at 28 Ill. Reg. 13809, effective October 1, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1364, effective January 10, 2005; amended at 30 Ill. Reg. 12126, effective June 28, 2006; amended at 37 Ill. Reg. 3068, effective March 4, 2013; amended at 38 Ill. Reg. 22714, effective November 18, 2014; amended at 39 Ill. Reg. 10897, effective July 27, 2015.

Section 510.10 General Site Regulations

- a) Regulations

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- 1) All the regulations cited in this Part apply to all Department species rules, unless the species rule is more restrictive.
 - 2) The legal possession of a concealed firearm by a validly licensed concealed carry licensee (see 430 ILCS 66) is allowed within designated areas as defined in subsection (b)(2), subject to Section 2.33 of the Wildlife Code on illegal devices and State refuges, the prohibitions set forth in Section 65 of the Firearm Concealed Carry Act and any applicable federal regulations. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33), except that violation of Section 2.33(g), (i), (o), (p), (y) and (cc) are Class A misdemeanors with a minimum \$500 fine and a maximum \$5,000 fine, in addition to other statutory penalties. Nothing in this Part shall be construed to criminalize the legal possession of a concealed firearm by a validly licensed concealed carry licensee (see 430 ILCS 66).
- b) Definitions
- 1) Unauthorized person – any individual who is not a Department employee, an individual who is not present for the purpose of hunting or trapping, or is an individual who does not fall under the definition of "non-hunting or non-trapping partner" pursuant to subsections (b)(10) and (d)(8).
 - 2) Designated area – a defined location at a site with a set boundary within which only a specified recreational activity such as hunting or trapping may take place during a publicly announced time period.
 - 3) Hunting/Trapping area – any portion of a site where actual hunting and/or trapping takes place. It does not include places such as parking lots, check stations, pavilions, or picnic areas associated with a hunting/trapping area.
 - 4) Restricted area – a defined location at a site with a set boundary within which hunting and/or trapping is prohibited.
 - 5) Refuge area – a defined location at a site with a set boundary within which no public activity or presence is allowed, except as authorized by the Department when it is determined that activity such as nature studies, hiking, fishing or camping would not be detrimental to the purpose of the refuge.

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- 6) Adult – a person 18 years of age or older.
 - 7) Waterfowl rest area – a defined location at a site with a set boundary within which no public activity or presence is allowed for a specified period of time, except as authorized by the Department.
 - 8) Hunter or trapper quota – The maximum number of hunters or trappers that can be accommodated at a site at any one time. Hunter and trapper quotas are determined by the formula of one hunter or trapper per 10-40 huntable acres. The number of huntable acres is determined by, but not limited to, the biological studies on the number of available animals within a species, the condition, topography and configuration of the land at the site, the condition of the roads at the site and the number of employees available to work at the site.
 - 9) Publicly announced – The information referred to will be included on the Department's Internet Home Page at www.dnr.illinois.gov, provided to outdoor writers for newspapers, and placed on the Department's Toll Free Hotline.
 - 10) Non-hunting or non-trapping partner – a person who accompanies a hunter or trapper and does not hunt or trap during the trip.
- c) It shall be unlawful:
- 1) For any person to possess any alcoholic beverage [or illegal drug or be under the influence of alcohol, illegal drugs, or intoxicating compounds](#) while in any hunting/trapping area for the purpose of hunting or trapping.
 - 2) To hunt or trap on any site with a manned check station without first declaring game killed on a previous hunt and in possession either on the hunter's person or in his vehicle.
 - 3) To construct or use any tree stand using nails, screws or any device which pierces or cuts the bark of the tree on which it is installed.
 - 4) To hunt or trap in a restricted area.
 - 5) For unauthorized persons to use or occupy in any manner designated

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hunting areas during the permit dove hunting season and controlled pheasant hunting season at sites holding such seasons, or during any hunting season where such restrictions are so posted at the site, when authorized hunting is in progress.

- 6) To enter a refuge, restricted area or waterfowl rest area unless authorized by the Department.
 - 7) To hunt or trap on any Department-owned or -managed land that is not a designated area pursuant to applicable species rules (17 Ill. Adm. Code 530, 550, 570, 590, 650, 660, 670, 680, 690, 710, 715, 720, 730, and 740).
 - 8) To buy, sell or commercialize hunting or trapping rights, directly or indirectly, except that this does not apply to Department of Natural Resources hunting or trapping fees or to the operation of controlled pheasant hunting on Department lands pursuant to a written concession agreement.
 - 9) To hunt or trap without a valid permit where permits are required.
 - 10) To hunt with any weapon except shotgun or bow and arrow unless otherwise specified.
 - 11) To track deer with dogs on any Department owned or managed site during hours when deer hunting is being conducted on the site.
 - 12) To use or occupy a ground blind during any firearm deer season, unless at least 400 square inches of solid, vivid blaze orange material is securely attached to the uppermost portion of the blind and a substantial amount of orange is visible for 360 degrees.
- d) Specific Management Procedures
- 1) Specific management procedures will be posted at either check stations or site parking lots at the site so the procedures will be visible to the public.
 - 2) Where there is a check station in operation, or where designated, hunters must sign in and/or sign out, and report their kill within 15 minutes, or as posted, after completing their hunt. Some areas require the wearing of a

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back patch and depositing hunting license (or Firearm Owner's Identification card if the hunter is exempt from buying a license).

- 3) In the event that Department budget reductions or site staffing reductions make the operation of check stations impractical, State sites that now require check stations and other restrictive hunter regulations may be opened to statewide regulations or closed to hunting by posting such notice at the site.
- 4) Statewide regulations shall apply at sites where windshield ~~cards~~~~permits~~ are issued, except that ~~each hunter~~~~hunters~~ must obtain a free site ~~windshield card~~~~permit~~ online from the Department website. This ~~windshield card~~~~permit~~ must be displayed under the vehicle windshield, face up, ~~and~~ with the ~~windshield card~~~~permit~~ number visible ~~and the pocket portion in possession while hunting at the site~~. Hunters must report their annual harvest online (even if the hunter did not hunt) by February 15 or two weeks after the season closes for those seasons ending after February 1. Hunters shall forfeit their hunting privileges at the site for the following year if they fail to report by the above deadline.
- 5) Department will have the authority to issue site specific deer permits in addition to any other deer permits issued by the Department (see Parts 650, 660, 670 and 680) and to designate the sex of deer (antlered or antlerless) that hunters may harvest through site-specific regulations.
- 6) All hunter or trapper quotas are filled on a first come-first served basis unless a drawing or special permit is used. The Department shall use a special permit or drawing whenever past hunter or trapper participation at a particular site reveals that the demand exceeds the quota established by the Department. Hunters or trappers will be notified as expeditiously as possible through site postings, news releases or public announcements when quotas are established.
- 7) During pheasant, rabbit, quail and partridge season, hunters and trappers are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches while trapping or hunting pheasant, quail, Hungarian partridge, rabbit, snipe, rail and woodcock.
- 8) Non-hunting or non-trapping partners may accompany hunters and

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trappers on their hunting or trapping trips. Partners must be unarmed and remain with the hunter or trapper throughout the trip. On sites where special permits are required, each permit holder or party is limited to one non-hunting or non-trapping partner per trip. On sites with waterfowl blinds, non-hunters count towards the blind's maximum occupancy.

(Source: Amended at 39 Ill. Reg. 10897, effective July 27, 2015)

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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) Section Numbers: Adopted Actions:
670.21 Amendment
670.60 Amendment
- 4) Statutory Authority: Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.20, 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, 2.20, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36]
- 5) Effective Date of Rule: July 27, 2015
- 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 rulemaking, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: April 3, 2015; 39 Ill. Reg. 4663
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version:

Section 670.60, "Paul C. Burrus (formerly Hurricane Creek State Habitat Area)", "State Habitat Area" has been added after "Burrus".
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

Section Number: Proposed Action: Illinois Register Citation:

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670.20 Amendment 39 Ill. Reg. 8873; July 6, 2015

- 15) Summary and Purpose of Rulemaking: This Part has been amended to make statewide program changes, open and close state-owned or -managed sites, and amend procedures at state sites.
- 16) Information and questions regarding this adopted rule shall be directed to:

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

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

Section

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

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.20, 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, 2.20, 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. 4839, effective March 19, 2010; amended at 35 Ill. Reg. 10739, effective June 23, 2011; amended at 36 Ill. Reg. 13450, effective August 10, 2012; amended at 37 Ill. Reg. 14926, effective August 30, 2013; amended at 38 Ill. Reg. 22752, effective November 18, 2014; amended at 39 Ill. Reg. 10905, effective July 27, 2015.

Section 670.21 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 parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit.
- c) Resident Illinois landowners who own 40 acres or more of land and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family, may apply for a free 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. This deer hunting permit shall be valid on all farm lands owned, leased, or rented by the person to whom it is issued.
- d) If property is owned or rented by more than one person, only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.
- e) Proof of ownership for all landowner or tenant applications must be provided by

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one of the following methods:

- 1) Submittal of a copy of property deed, recorded/file stamped by the County Recorder or County Clerk;
 - 2) Submittal of a copy of contract for deed, recorded/file stamped by the County Recorder or County Clerk;
 - 3) Submittal of a copy of the most recent real estate tax statement for the property that identifies the property acreage (upon which the landowner's name appears as landowner or the person signing the application appears as landowner);
 - 4) Submittal of a copy of a current Farm Service Agency 156EZ form; or
 - 5) Submittal of a copy of a trust agreement that must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- f) 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 Recorder or County Clerk, covering the current year. The agreement must contain the landowner's signature, tenant's signature, description of monetary consideration, specified period of the lease and the acreage involved, and a statement that the lease is for agricultural purposes; or
 - 2) A copy of a current Farm Service Agency 156EZ form.
- g) A hunting rights lease or other non-agricultural lease is not valid as a basis for obtaining a landowner or tenant permit.
- h) 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

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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.

- 1) In addition:
 - A) Corporation applicants must submit a copy of ownership interest in a for-profit corporation with a fully-executed stock certificate, articles of incorporation or corporate agreement;
 - B) limited liability company applicants must submit a copy of the limited liability company's articles of organization or the operating agreement;
 - C) limited partnerships, limited liability limited partners, and limited liability partnership applicants must submit a copy of the partnership agreement, certificate of partnership or statement of qualification; and
 - D) general partnership applicants must submit a copy of the partnership agreement.
- 2) These documents must be attached to the application upon submittal to the Permit Office. The shareholder/member combination permit shall be free

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to resident shareholders/members/beneficiaries/ partners, and the cost to non-resident shareholders/members/beneficiaries shall be \$210. Non-resident partners cannot receive permits under this subsection.

- 3) Bona fide equity shareholder means an individual who:
 - A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and
 - B) intends to retain the ownership of the shares of stock for at least 5 years.
- 4) 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.
- 5) 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.
- 6) Bona fide equity partner means an individual who:

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- A) became a partner, either general or limited, upon the formation of the partnership; or has purchased a distributional interest in the partnership or limited partnership for a value equal to the percentage of the appraised value of the partnership assets represented by the distributional interest in the partnership;
 - B) intends to retain ownership of the partnership for at least 5 years; and
 - C) is a resident of Illinois.
- i) Property-only hunting permit renewal and first time applications will be accepted as soon as they are available. The application deadline for all property-only applications (both renewal and first time) is~~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.
 - j) *For the purposes of calculating acreage under this Section, the Department shall, after determining the total acreage of the applicable tract or tracts of land, round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre [520 ILCS 5/2.26].*
 - k) Providing false information on a permit application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 39 Ill. Reg. 10905, effective July 27, 2015)

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 or ground blind is allowed per deer permit holder. Tree

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stands and ground blinds must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and (c)(12) and must be portable. Tree stands and ground blinds must be removed at the end of each day with the exception that ~~they~~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 or ground blind 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). Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by a (6).
- e) Where standby hunters are used to fill quotas, a drawing will be held at sites indicated by a (3).
- f) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- g) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).
- h) Statewide regulations shall apply at the following sites:

Alvah Borah State Habitat Area (6)

- * Anderson Lake State Fish and Wildlife Area (1)(2)

Apple River Canyon State Park – Thompson and Salem Units (6)

Argyle Lake State Park (1) (6)

- * Banner Marsh State Fish and Wildlife Area (1)(2)

- * Beall Woods State Park (1) (6)

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

Big Grand Pierre Glade State Natural Area (1)

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Big River State Forest (1) (6)

Buffalo Rock State Park/Blackball Mines Nature Preserve (2)

[Burning Star State Fish and Wildlife Area \(6\)](#)

Butterfield Trail State Recreation Area (6)

Cache River State Natural Area (1) (2)

Campbell Pond State Fish and Wildlife Area (1) (6)

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

Carlyle Lake Lands and Waters (Corps of Engineers managed lands, except Jim Hawn and East Spillway Areas)

* Carlyle Lake Lands and Waters (Corps of Engineers managed lands – Jim Hawn and East Spillway Areas)

Carlyle Lake State Fish and Wildlife Area (except subimpoundment area is closed 7 days prior to and during the regular waterfowl season; lands bounded on the east by "C" levee, south by "D" levee, west by ACOE property line, and including the posted area west of parking lot #2, will be open the entire archery deer hunting season) (6)

Castle Rock State Park (submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (1) (6)

Cedar Glen State Natural Area (no hunting after December 15) (1) (6)

Chauncey Marsh State Natural Area (permit obtained at Red Hills State Park headquarters) (1) (6)

Clinton Lake State Recreation Area (an antlerless deer must be taken on the site before an antlered deer is harvested) (6)

Coffeen Lake State Fish and Wildlife Area (6)

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Collier Limestone Glade State Natural Area (1)

Copperhead Hollow State Wildlife Area (1) (6)

Crawford County State Conservation Area (1) (2)

Cretaceous Hills State Natural Area (1) (6)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Des Plaines Game Propagation Center (closed Saturdays and Sundays in October and Sundays in November, December and January) (2)

Des Plaines State Conservation Area (no hunting is permitted Wednesday through Sunday of the site's permit pheasant season) (6)

Devil's Island State Wildlife Management Area

Dixon Springs State Park (1) (6)

Dog Island State Wildlife Management Area (1) (6)

* Eagle Creek State Park (disabled hunters are exempt from site's antler restrictions; for Corps of Engineers managed lands not managed by DNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (4) (6)

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)

Ferne Clyffe State Park (1) (2)

Finrock State Habitat Area (October 1-31 only; eligible hunters required)

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to obtain Clinton Lake State Recreation Area site hunting permit) (6)

Flag Pond State Natural Area (1)

[Flatwoods State Natural Area \(1\) \(6\)](#)

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

* Fort Kaskaskia State Historic Site (opens November 1) (2)

Fort Massac State Park (1) (6)

Fox Ridge State Park (1) (6)

Franklin Creek State Natural Area (submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (6)

French Bluff State Natural Area (6)

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

Giant City State Park (1) (2)

Goose Lake Prairie State Natural Area/Heidecke State Fish & Wildlife Area (archery deer hunting is closed during the muzzleloader deer season) (6)

Green River State Wildlife Area (1) (6)

Hallsville State Habitat Area (October 1-31 only; eligible hunters will use Clinton Lake State Recreation Area site hunting permit) (1) (6)

Hamilton County State Conservation Area (1) (6)

Hanover Bluff State Natural Area (6)

Harry "Babe" Woodyard State Natural Area (4) (6)

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Henry Allen Gleason State Natural Area (6)

Hidden Springs State Forest (1) (6)

Hindsboro State Habitat Area (October 1 through October 31 only) (6)

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) (6)

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

Jubilee College State Park (2)

Kankakee River State Park (deer bow hunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season; a limited hunting opportunity for persons with disabilities, Class P2A, exists at the Davis Creek Bike Trail Area; disabled hunters must register to hunt at the site office and must sign in and out daily; disabled hunters are required to hunt with a non-disabled partner who may also hunt from predetermined locations during the disabled hunting season (November 1 to the day before the first firearm deer season, except campground blinds will remain open until the close of the archery deer season and do not require a partner to hunt) (6)

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) (1) (2 – except south of Highway 154 and north of Highway 13)

Kickapoo State Recreation Area (6)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Kidd Lake State Natural Area (1)

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

Kishwaukee River State Fish and Wildlife Area; submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease (6)

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

Lincoln Trail State Park (November 1 through the end of statewide season) (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)

Lowden-Miller State Forest (submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (1) (6)

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) (6)

Lusk Creek Canyon State Natural Area (1)

Mackinaw River State Fish and Wildlife Area (1) (6)

Marseilles State Fish and Wildlife Area (closed Friday, Saturday, and Sunday in October only; no hunting after the first Thursday after January 10; 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)

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NOTICE OF ADOPTED AMENDMENTS

Marshall State Fish and Wildlife Area (Duck Ranch Unit closed 7 days prior to the duck season through the close of duck season) (6)

Mautino State Fish and Wildlife Area (1) (6)

Maytown Pheasant Habitat Area (hunting allowed during October only) (6)

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

Meeker State Habitat Area (1) (6)

Mermet Lake State Conservation Area (1) (6)

Middle Fork State Fish and Wildlife Area (6)

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

Miller-Anderson Woods State Natural Area (2)

Mississippi Palisades State Park (closed during the first firearm deer season) (1) (6)

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 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 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

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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 during duck season, statewide hours during remainder of season) (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) (6)

Moraine View State Park (archery deer hunting closed Wednesday through Sunday during the controlled pheasant season) (1) (6)

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) (6)

Newton Lake State Fish and Wildlife Area (6)

Oakford State Conservation Area

Paul C. Burrus [State Habitat Area](#) (formerly Hurricane Creek State Habitat Area) (hunter quotas filled by drawing) (6)

* Peabody River King State Fish and Wildlife Area (East subunit closes November 1) (1) (2)

Pekin Lake State Fish and Wildlife Area (1) (6)

Pere Marquette State Park (area east of Graham Hollow Road) (1) (6)

Prairie Ridge State Natural Area (1) (6)

Pyramid State Park (4)

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Rall Woods State Natural Area (6)

* Ramsey Lake State Park ~~(4)~~(6)

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

Rauchfuss Hill State Recreation Area (1) (6)

Ray Norbut State Fish and Wildlife Area (6)

[Ray Norbut State Fish and Wildlife Area – Dutch Creek Unit \(6\)](#)

[Ray Norbut State Fish and Wildlife Area – East Hannibal Unit](#)

* Red Hills State Park (1) (6)

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

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

Revis Hill Prairie State Natural Area (6)

* Rice Lake State Fish and Wildlife Area (1)(2)

* Rockton Bog State Natural Area (6)

Sahara Woods State Fish and Wildlife Area (portions of site closed until November 1) (6)

Saline County State Fish and Wildlife Area (1) (6)

* Sam Dale Lake State Fish and Wildlife Area (1) (6)

* Sam Parr State Park (1) (2)

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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 (1)

Sanganois State Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1) (6)

Sand Ridge State Forest (6)

- * Shabbona Lake State Park (submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (6)

Shelbyville State Fish and Wildlife Area (for Corps of Engineers managed lands not managed by DNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (1) (6)

Sielbeck Forest State Natural Area (1) (6)

[Siloam Springs State Park](#) (4) (6)

Siloam Springs State Park (Fall Creek Unit) (6)

Siloam Springs State Park – Buckhorn Unit (resident hunters only) (4) (6)

- * Silver Springs State Park (2)

Skinner Farm State Habitat Area (1) (2)

- * Snakeden Hollow State Fish and Wildlife Area ([closed during goose season; tree stands must be removed no later than the last day of archery hunting on the site](#)~~(October 1 through start of the central zone goose season)~~ (1) (6)

- * South Shore State Park (2)

Sparks Pond State Natural Area (6)

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Spoon River State Forest (1) (6)

* Spring Lake State Fish and Wildlife Area (1) (6)

* Starved Rock State Park/Matthiessen State Park/Margery C. Carlson Nature Preserve (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange during the statewide firearm deer seasons; open to archery deer hunting during the statewide firearm deer season only in Zone A) (2)

* Stephen A. Forbes State Recreation Area ~~(1)~~(6)

Tapley Woods State Natural Area (6)

Ten Mile Creek State Fish and Wildlife Area (areas designated as refuge are closed to all access during Canada goose season only) (1) (6); Belle Rive Unit only (4)

Trail of Tears State Forest (1) (2)

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

Union County State Fish and Wildlife Area ([Firing Line Unit open throughout statewide season](#); [Controlled Public Hunting Area open October 1 through October 31](#)—~~closed after October 31~~) (1) (2)

[Vesely Land and Water Reserve/Wilmington Shrub Prairie Nature Preserve](#) (6)

Walnut Point State Park (1) (6)

Wards Grove State Nature Preserve (closed during firearm deer hunting; antlerless deer only) (6)

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

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Weinberg-King State Park (6)

Weinberg-King State Park – Cecil White Unit (6)

Weinberg-King State Park – Scripps Unit (resident hunters only) (6)

Weinberg-King State Park – Spunky Bottoms Unit (resident hunters only)
(6)

Weldon Springs State Park – Piatt County Unit (an antlerless deer must be
taken on the site before an antlered deer is harvested) (6)

Whitefield Pheasant Habitat Area (hunting allowed during October only)
(6)

* White Pines Forest State Park (hunting allowed on Mondays, Tuesdays,
Wednesdays and Thursdays only – excluding official State holidays in
October. Beginning November 1, archery hunting is allowed 7 days a
week, excluding the site's special firearm deer season) (6)

Wildcat Hollow State Forest (1) (6)

Willow Creek State Habitat Area (hunting permitted October 1-31) (1) (6)

Winston Tunnel State Natural Area (6)

Wise Ridge State Natural Area (1)

Witkowsky State Wildlife Area (opens October 15) (6)

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 DNR, contact Corps of Engineers, Lake Shelbyville office,
for specific deer hunting policy) (4) (6)

Woodford State Fish and Wildlife Area (opens at the close of duck
season) (6)

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- 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, starting October 15)

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 Fish and Wildlife Area (Alexander County) (refuge portion only, second weekend (Friday, Saturday and Sunday) in November)~~

- * Horseshoe Lake State Park (Madison County) (hunting in designated areas only; an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by December 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year) (1)

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~~

DEPARTMENT OF NATURAL RESOURCES

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~~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.
- * Horseshoe Lake State Park (Madison County – Gaberet, Mosenthein and Chouteau Island Units)
- 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)
- Pyramid State Park (4)
- 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) (3) (6)
- Iroquois County State Conservation Area (6)
- Johnson-Sauk Trail State Recreation Area (1) (6)
- Wayne Fitzgerald State Recreation Area (no bowhunting during controlled hunts as posted at the site) (2)
- l) Statewide regulations shall apply at the following sites except that nonresident hunter quotas shall be filled by mail-in drawing. Information about specific drawing dates and application procedures will be publicly announced. Successful

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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.

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (4) (6)

- * 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) (6)

~~Siloam Springs State Park (4) (6)~~

- 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.

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) (1)(6)

Illinois Beach State Park, North Dunes Nature Preserve and Illinois Beach Nature Preserve (opens November 1; hunting assigned for one week periods; site-issued windshield card must be displayed while hunting; harvest report due to site by February 1, failure to report shall result in ineligibility to hunt at the site the following year)

James Pate Philip State Park and Heron Woods State Habitat Area

Moraine Hills State Park (6)

Volo Bog State Natural Area (6)

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

(Source: Amended at 39 Ill. Reg. 10905, effective July 27, 2015)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Special White-Tailed Deer Season For Disease Control
- 2) Code Citation: 17 Ill. Adm. Code 675
- 3) Section Number: 675.10 Adopted Action:
Amendment
- 4) Statutory Authority: Sections 1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26 and 3.36]
- 5) Effective Date of Rule: July 27, 2015
- 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 rulemaking, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: April 3, 2015; 39 Ill. Reg. 4687
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part has been amended to make statewide program changes, open and close State-owned or -managed sites and amend procedures at State sites.
- 16) Information and questions regarding this adopted rule shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

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Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

PART 675

SPECIAL WHITE-TAILED DEER SEASON FOR DISEASE CONTROL

Section

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

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, [2.20](#), 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, [2.20](#), 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 29 Ill. Reg. 20454, effective December 2, 2005; amended at 31 Ill. Reg. 1874, effective January 5, 2007; amended at 31 Ill. Reg. 14822, effective October 18, 2007; amended at 32 Ill. Reg. 19731, effective December 4, 2008; amended at 33 Ill. Reg. 11593, effective July 27, 2009; amended at 35 Ill. Reg. 20583, effective December 9, 2011; amended at 37 Ill. Reg. 14960, effective August 30, 2013; amended at 39 Ill. Reg. 10928, effective July 27, 2015.

Section 675.10 Chronic Wasting Disease (CWD) Season

- a) Season: One-half hour before sunrise on the first Thursday after December 25 to ½ hour after sunset on the following Sunday, and ½ hour before sunrise on the first Friday after January 11 to ½ hour after sunset on the following Sunday. Shooting hours are ½ hour before sunrise to ½ hour after sunset. Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).
- b) Open counties: Boone, McHenry, Winnebago, Stephenson, Ogle, LaSalle, JoDaviess, Grundy, Kendall, [Will](#) and DeKalb counties and that portion of Kane County west of State Route 47. Additional counties in which CWD foci are

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identified subsequent to adoption of this Part shall be opened via public announcement (e.g., press release and site posting).

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

(Source: Amended at 39 Ill. Reg. 10928, effective July 27, 2015)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Youth Hunting Seasons
- 2) Code Citation: 17 Ill. Adm. Code 685
- 3) Section Number: 685.110 Adopted Action:
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) Effective Date of Rule: July 27, 2015
- 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 rulemaking, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: April 3, 2015; 39 Ill. Reg. 4691
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
685.10	Amendment	39 Ill. Reg. 10374, July 24, 2015
685.40	Amendment	39 Ill. Reg. 10374, July 24, 2015
685.50	Amendment	39 Ill. Reg. 10374, July 24, 2015
- 15) Summary and Purpose of Rulemaking: This Part has been amended to amend procedures

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at state sites.

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

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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. 4863, effective March 19, 2010; amended at 35 Ill. Reg. 13228, effective July 26, 2011; amended at 37 Ill. Reg. 19277, effective November 14, 2013; amended at 38 Ill. Reg. 22772, effective November 18, 2014; amended at 39 Ill. Reg. 10932, effective July 27, 2015.

Section 685.110 Youth Waterfowl Hunting

- a) Permit Requirements

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- 1) Permit reservations shall be accepted starting in September. Initial acceptance dates shall be publicly announced. Applicants must be between the ages of 10-15 inclusive on the date of the hunt.
- 2) Only one permit per person shall be issued for the hunt on December ~~28~~²⁷ at Horseshoe Lake State Fish and Wildlife Area (Alexander County) and Union County State Fish and Wildlife Area and on the Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 at Donnelley/~~DePue~~ State Wildlife Area (~~3 "i" unit~~), ~~and on the first weekend and third Saturday of the Illinois Central Zone Waterfowl season at Donnelley State Wildlife Area~~, and on the second Sunday in November of the Illinois Central Zone Waterfowl season at Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit.
- 3) The permit shall be for the use of the entire blind and it shall be the responsibility of the permit holder to bring one supervising adult who may also hunt. The supervising adult shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law. Each youth and supervising adult may be accompanied by a non-hunting guide. The maximum number of people in a blind is two hunting youth, two hunting adults and a non-hunting guide.
- 4) Permit Reservations and Transferability
 - A) All duplicate permit reservations shall be rejected and the hunter shall forfeit his or her rights to a permit. Permits are not transferable. Previous participants are ineligible to apply for a permit.
 - B) For other information write to:

Illinois Department of Natural Resources
Youth Waterfowl Hunt
One Natural Resources Way
P.O. Box 19457
Springfield IL 62794-9457
- 5) Permits for the Illinois Youth Waterfowl Hunt will be issued from the

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Springfield Permit Office.

- b) General Waterfowl Hunting Regulations at the Youth Waterfowl Hunting Areas
- 1) Hours, Permits and Stamp Charges
- A) Hunting hours at Horseshoe Lake State Conservation Area (Alexander County) and Union County are from legal opening until 12:00 Noon on the day of the Youth Waterfowl Hunt. Hunting hours at Donnelley/~~DePue~~ State Wildlife Area (~~3 "i" Unit~~) and Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit are from statewide opening to 1:00 p.m. on the days of the youth waterfowl hunts.
- B) At Union County State Fish and Wildlife Area and Horseshoe Lake State Fish and Wildlife Area (Alexander County), hunters with Illinois Youth Waterfowl Hunt Permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing shall be held on the morning of the hunt to allocate blind sites.
- C) At Donnelley/~~DePue~~ State Wildlife Area (~~3 "i" Unit~~), the first weekend (Saturday and Sunday) and the third Saturday of the duck season for the zone the site is located in shall be designated as Youth Hunt days open to hunters 15 years old and under. Youth hunters must be accompanied by an adult. Blinds not allocated to youth hunters shall be available for adults~~hunters with Illinois Youth Waterfowl Hunt Permit reservations are required to check in one hour before shooting time.~~ The blinds will be allocated by drawing the day of the hunt. Preference will be given to youth hunters who have not been drawn for a previous hunt at the site during the current season.~~For the youth hunts other than the Illinois Youth Waterfowl Hunt, hunters with permit reservations must check in at the check station no later than one hour before shooting time or the permit is void.~~
- D) At Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit, hunters with Illinois Youth Waterfowl Permit reservations are required to check-in at the check station no later

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than one hour before legal shooting time, after which time permits are void. A drawing shall be held on the morning of the hunt to allocate blind sites.

- E) There is no fee for the Illinois Youth Waterfowl Hunting Permit.
- 2) Hunting must be done from assigned blinds only and hunters, unless authorized, shall not move from blind to blind or leave the blind and return.
 - 3) Shotguns must be unloaded and encased at all times when not hunting.
 - 4) At Union County State Fish and Wildlife Area and Horseshoe Lake State Fish and Wildlife Area (Alexander County), each youth shall not possess more than 25 shells. Each adult shall not possess more than 5 shells for each Canada goose allowed in the daily bag. Hunters without their guns may leave the blind to retrieve crippled waterfowl.
 - 5) At Rend Lake State Fish and Wildlife Area, hunters participating in the youth hunt must sign in and out, no entry into subimpoundments before 4:30 a.m. and must be out of subimpoundments by 2:00 p.m. A drawing will be held at 4:00 a.m. each day of the youth hunt for hunters wanting to hunt the Casey Fork impoundment. Drawing will be held at the Cottonwood Access Area.
- c) **Special Hunts**
If, by regulation published in the Federal Register, the U.S. Fish and Wildlife Service sets any special dates for youth-only waterfowl hunting, the Department shall, by public announcement, open those Department sites that, under the circumstances prevailing at the time, the Department believes may be opened without unduly disturbing other Department programs. Open sites that require the use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 will be noted in the public announcement.
- d) Violations of this Section are Class B misdemeanors (see 520 ILCS 5/2.18), except that hunting prior to ½ hour before sunrise is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 39 Ill. Reg. 10932, effective July 27, 2015)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Squirrel Hunting
- 2) Code Citation: 17 Ill. Adm. Code 690
- 3) Section Number: 690.30 Adopted Action:
Amendment
- 4) Statutory Authority: Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.20, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.20, 2.28 and 3.5]
- 5) Effective Date of Rule: July 27, 2015
- 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 rule, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: April 3, 2015; 39 Ill. Reg. 4698
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

Section 690.30(d), "Hindsboro Pheasant Habitat Area" and "Larry D. Closson Habitat Area", "State" has been added before "Habitat"; "State" has been added before "Fish" in Mississippi River Fish and Waterfowl Management Area" and "Sam Parr Fish and Wildlife Area".

Section 690.30(h), "State Park" has been added after "Springs" in "Weldon Springs – Piatt County Unit".
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part has been amended to make statewide program changes, open and close State-owned or -managed sites and amend procedures at State sites.
- 16) Information and questions regarding this adopted rule shall be directed to:

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

Section

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

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.20, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.20, 2.28 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 8017, effective July 24, 1981; codified at 5 Ill. Reg. 10642; emergency amendment at 5 Ill. Reg. 11382, effective October 14, 1981, for a maximum of 150 days; emergency expired March 12, 1982; amended at 6 Ill. Reg. 9642, effective July 21, 1982; amended at 7 Ill. Reg. 8809, effective July 15, 1983; emergency amendment at 7 Ill. Reg. 9690, effective August 1, 1983, for a maximum of 150 days; emergency expired December 29, 1983; amended at 8 Ill. Reg. 16789, effective August 30, 1984; amended at 9 Ill. Reg. 11614, effective July 16, 1985; amended at 10 Ill. Reg. 15601, effective September 16, 1986; amended at 11 Ill. Reg. 9549, effective May 5, 1987; amended at 12 Ill. Reg. 12246, effective July 15, 1988; amended at 13 Ill. Reg. 10606, effective June 15, 1989; amended at 14 Ill. Reg. 10816, effective June 20, 1990; amended at 15 Ill. Reg. 10012, effective June 24, 1991; amended at 16 Ill. Reg. 11087, effective June 30, 1992; amended at 17 Ill. Reg. 10842, effective July 1, 1993; amended at 18 Ill. Reg. 8624, effective May 31, 1994; amended at 19 Ill. Reg. 10664, effective July 1, 1995; amended at 20 Ill. Reg. 10882, effective August 5, 1996; amended at 21 Ill. Reg. 9095, effective June 26, 1997; amended at 22 Ill. Reg. 14844, effective August 3, 1998; amended at 23 Ill. Reg. 9074, effective July 28, 1999; amended at 24 Ill. Reg. 8947, effective June 19, 2000; amended at 25 Ill. Reg. 9903, effective July 17, 2001; amended at 26 Ill. Reg. 13845, effective September 5, 2002; amended at 27 Ill. Reg. 12640, effective July 21, 2003; amended at 28 Ill. Reg. 11893, effective July 27, 2004; amended at 29 Ill. Reg. 9786, effective June 27, 2005; amended at 30 Ill. Reg. 12229, effective June 28, 2006; amended at 31 Ill. Reg. 11700, effective July 27, 2007; amended at 32 Ill. Reg. 14819, effective August 27, 2008; amended at 33 Ill. Reg. 13900, effective September 21, 2009; amended at 34 Ill. Reg. 10802, effective July 16, 2010; amended at 35 Ill. Reg. 15247, effective September 2, 2011; amended at 37 Ill. Reg. 20674, effective December 12, 2013; amended at 39 Ill. Reg. 10939, effective July 27, 2015.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

- a) All the regulations in 17 Ill. Adm. Code 510, General Hunting and Trapping on Department-Owned or Managed Sites, apply in this Part, unless this Part is more restrictive. Violation of a site specific regulation is a petty offense (see 520 ILCS 5/2.28).
- b) Hunting with .22 caliber or smaller rimfire firearms or muzzleloading black powder rifles is allowed at those sites listed in the following subsections that are followed by a (1). Hunting with air rifles is allowed at those sites listed in the following subsections that are followed by a (3).
- c) Check-in, check-out and reporting of harvest is required at those sites listed in the following subsections that are followed by a (2). Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by (4).
- d) Statewide regulations apply at the following sites:
 - Alvah Borah State Fish and Wildlife Area (4)
 - Anderson Lake State Conservation Area (2)
 - Apple River Canyon State Park – Salem and Thompson Units (closed during firearm deer hunting) (4)
 - Argyle Lake State Park (4)
 - Beaver Dam State Park (statewide opening through September 30) (4)
 - Big Bend State Fish and Wildlife Area (2)
 - Big River State Forest (4)
 - [Burning Star State Fish and Wildlife Area \(1\) \(4\)](#)
 - Butterfield Trail State Recreation Area ([closed during all deer seasons](#)) (1) (4)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- Cache River State Natural Area (1) (2)
- Campbell Pond State Wildlife Management Area (4)
- Cape Bend State Fish and Wildlife Area (1) (2)
- Carlyle Lake Lands and Waters – Corps of Engineers managed lands (1)
- Carlyle Lake State Fish and Wildlife Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season) (1) (4)
- Chain O'Lakes State Park (opens Wednesday after permit pheasant season for 5 consecutive days, except closed on Christmas Day; 8:00 a.m. to 4:00 p.m.; daily quota filled on first come-first served basis; DNR issued back patch must be worn while hunting; only shot size of No. 3 steel, No. 4 bismuth, No. 5 tungsten-iron, tungsten-matrix, tungsten-polymer or smaller may be used) (2)
- Chauncey Marsh State Natural Area (1) (4)
- Clinton Lake State Recreation Area – North Fork Management Area, North of the County Road at the North Fork Boat Ramp and handicapped upland game area (1) (4)
- Coffeen Lake State Fish and Wildlife Area (statewide opening through September 30 and reopens the day after archery deer season closes and remains open until the end of the statewide season) (4)
- Copperhead Hollow State Fish and Wildlife Area (1) (4)
- Crawford County State Fish and Wildlife Area (1) (2)
- Cypress Pond State Natural Area (1) (2)
- Deer Pond State Natural Area (1) (2)
- Devil's Island State Fish and Wildlife Area
- Dog Island State Wildlife Management Area (1) (4)

DEPARTMENT OF NATURAL RESOURCES

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

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

Flag Pond State Natural Area (1) (3) (4)

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

Fort Massac State Park (4)

Fox Ridge State Park (1) (4)

[Hamilton County State Conservation Area \(4\)](#)

Hanover Bluff State Natural Area (closed during firearm deer hunting) (4)

Harry "Babe" Woodyard State Natural Area (4)

Hidden Springs State Forest (1) (4)

[Hindsboro Pheasant State Habitat Area \(closes September 30\) \(1\) \(4\)](#)

Iroquois County State Wildlife Area (closed during all deer seasons) (1) (4)

Jim Edgar Panther Creek State Fish and Wildlife Area (the Quality Unit and Controlled Unit close October 31) (1) (4)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season; the defined Baldwin Lake Waterfowl Rest Area is closed) (1) (2) (3)

Kickapoo State Recreation Area (season opens the day after Labor Day) (4)

Kinkaid Lake State Fish and Wildlife Area (1)

DEPARTMENT OF NATURAL RESOURCES

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Lake Shelbyville – Eagle Creek State Park (closes the opening day of site's pheasant season) (4)

~~Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (1) (4)~~

Larry D. Closson State Habitat Area (closes September 30) (1) (4)

Lowden-Miller State Forest (hunting allowed from September 1 through September 30 only; hunting allowed only on the southern one-half of the site) (1) (3) (4)

Marseilles State Fish and Wildlife Area (Monday through Thursday only through October 31; during August, hunting allowed west of E. 2450 Road only; open daily November 1 through the end of the site archery deer season; closed during the site firearm and muzzleloading deer seasons; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots) (2)

Marshall State Conservation Area (1) (2)

Meeker State Habitat Area (1) (4)

Mermet Lake State Conservation Area (non-toxic shot only in waterfowl areas; squirrel hunting closes after September 30, except in upland game area) (1) (4)

Middle Fork State Fish and Wildlife Area (season opens the day after Labor Day) (4)

Mississippi River State Fish and Waterfowl Management Area (Pools 25 and 26) (1) (3)

Mississippi River Pools 16, 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

DEPARTMENT OF NATURAL RESOURCES

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Moraine View State Park (closed during the controlled pheasant season, archery deer season and late winter deer season) (4)

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

Nauvoo State Park (Max Rowe Unit only) (4)

Newton Lake State Fish and Wildlife Area (closed during site deer season) (4)

Oakford State Conservation Area (1)

Paul C. Burrus State Habitat Area (season closes ~~September 30~~[October 31](#)) (1) (4)

Peabody River King State Fish and Wildlife Area (east subunit closes November 1) (2)

Pere Marquette State Park (season opens the day after Labor Day) (4)

Pyramid State Park (~~season opens the day after Labor Day~~) (1) (4)

Pyramid State Park – Captain Unit (1) (4)

Pyramid State Park – Denmark Unit (1) (4)

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

Pyramid State Park – Galum Unit (1) (4)

Rall Woods State Natural Area (closed during firearm deer hunting) (4)

Ramsey Lake State Park (4)

Randolph County State Conservation Area (2)

Ray Norbut State Fish and Wildlife Area (1) (4)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

[Ray Norbut State Fish and Wildlife Area – Dutch Creek Unit \(4\)](#)

Red Hills State Park (4)

Rend Lake Project Lands and Waters (1)

Sahara Woods State Fish and Wildlife Area (1) (4)

Saline County State Fish and Wildlife Area (1) (4)

Sam Dale Lake State Fish and Wildlife Area (4)

Sam Parr [State](#) Fish and Wildlife Area (2)

Sand Ridge State Forest (closed during the controlled pheasant season) (1)
(4)

Sangamon County State Conservation Area

Sanganois State Fish and Wildlife Area (1) (4)

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

[Shelbyville State Fish and Wildlife Area \(1\) \(4\)](#)

Sielbeck Forest State Natural Area (1) (4)

Siloam Springs State Park – Buckhorn Unit (1) (4)

Skinner Farm State Habitat Area (2)

Spoon River State Forest (1) (3) (4)

Stephen A. Forbes State Recreation Area (4)

Tapley Woods State Natural Area (closed during firearm deer hunting) (4)

Ten Mile Creek State Fish and Wildlife Area (1) [\(3\)](#) (4)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Trail of Tears State Forest (1) (2)

Turkey Bluffs State Fish and Wildlife Area (1) (2) (3)

Walnut Point State Park (1) (4)

Washington County State Conservation Area (2)

Weinberg-King State Park (1) (4)

Weinberg-King State Park – Cecil White Unit (4)

Weinberg-King State Park – Scripps Unit (1) (4)

Weinberg-King State Park – Spunky Bottoms Unit (1) (4)

Wildcat Hollow State Forest (1) (4)

[Willow Creek State Habitat Area \(closes September 30\) \(1\) \(4\)](#)

Winston Tunnel State Natural Area (closed during firearm deer hunting)
(4)

Wise Ridge State Natural Area (1) (3)

Witkowsky State Wildlife Area (opens after second firearm deer season;
closed during firearm deer hunting) (4)

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

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

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

[Hamilton County State Conservation Area \(4\)](#)

Siloam Springs State Park (4)

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NOTICE OF ADOPTED AMENDMENT

- f) Season dates shall be the day after Labor Day through September 30 at the following sites:
- Johnson-Sauk Trail State Park (season reopens the day after the archery deer season closes and remains open until the end of the statewide season) (4)
 - Jubilee College State Park (season reopens the day after the archery deer season closes and remains open until the end of the statewide season) (2) (3)
 - Kankakee River State Park (4)
 - Momence Wetlands State Natural Area (4)
 - Sangchris Lake State Park (2)
 - Silver Springs State Park (2)
 - Spring Lake State Fish and Wildlife Area (season reopens the day after the archery deer season closes and remains open until the end of the statewide season) (3) (4)
- g) Statewide regulations apply at the following sites, except that hunters must obtain a free permit from the site and variations in season dates are in parentheses. Permits must be in possession while hunting. The permit must be returned and harvest reported by March 15 or the hunter will forfeit privileges at that site for the following year:
- Horseshoe Lake State Park – Gabaret, Mosenthein and Chouteau Island Units (Madison County)
 - Matthiessen State Park (season opens on statewide opening day and closes the day before the archery deer season opens; permits available at the Starved Rock State Park office; hunting in designated areas only)
- h) Season dates shall be statewide opening through September 30 at the following sites:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Castle Rock State Park (4)

French Bluff State Natural Area (1) (4)

Mackinaw State Fish and Wildlife Area (season reopens the day after the archery deer season closes and remains open until the end of the statewide season) (1) (3) (4)

Mt. Vernon Game Propagation Center (2)

Sandy Ford State Natural Area (2)

Weldon Springs [State Park](#) – Piatt County Unit (4)

Woodford County State Fish and Wildlife Area (4)

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

Green River State Wildlife Area (4)

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

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

(Source: Amended at 39 Ill. Reg. 10939, effective July 27, 2015)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys – Spring Season
- 2) Code Citation: 17 Ill. Adm. Code 710
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
710.10	Amendment
710.20	Amendment
710.22	Amendment
710.30	Amendment
710.50	Amendment
710.70	Amendment
- 4) Statutory Authority: Sections 1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20]
- 5) Effective Date of Rules: July 27, 2015
- 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 rule, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: April 3, 2015; 39 Ill. Reg. 4710
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

Section 710.50(c), "Anderson Lake Conservation Area", "Horseshoe Lake Conservation Area", "Oakford Conservation Area", "Sanganois Conservation Area" and "Union County Conservation Area", "State" has been added before "Conservation"; "Campbell Pond Wildlife Management Area" and "Dog Island Wildlife Management Area", "State" has been added before "Wildlife"; "Kinkaid Lake Fish and Wildlife Area", "Mississippi River Fish and Wildlife Area", "Ray Norbut Fish and Wildlife Area" and "Saline County Fish and Wildlife Area", "State" has been added before "Fish"; "Wildcat Hollow Habitat Area", "State" has been added before "Habitat"

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 710.50(d), "Ferne Clyffe Hunting Area", "Ferne Clyffe State Park" – has been added before "Ferne"; "Hamilton County Conservation Area", "Randolph County Conservation Area", "Sangamon County Conservation Area", "Sanganois Conservation Area" and "Washington County Conservation Area", "State" has been added before "Conservation"; "Mackinaw River Fish and Wildlife Area", "Marshall Fish and Wildlife Area", "Newton Lake Fish and Wildlife Area" and "Ten Mile Creek Fish and Wildlife Area", "State" has been added before "Fish"; and "Paul C. Burrus Habitat Area", "State" has been added before "Habitat".

Section 710.50(f), "Anderson Lake Fish and Wildlife Area", "Big Bend Fish and Wildlife Area" and "Ray Norbut Fish and Wildlife Area", "State" has been added before "Fish"; "Dog Island Wildlife Management Area", "State" has been added before "Wildlife"; "Horseshoe Lake Conservation Area" and "Union County Conservation Area", "State" has been added before "Conservation"

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part has been amended to make statewide program changes, open and close State-owned or -managed sites, and amend procedures at State sites.
- 16) Information and questions regarding these adopted rules shall be directed to:

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 710
THE TAKING OF WILD TURKEYS – SPRING SEASON

Section

710.5	Hunting Zones
710.10	Hunting Seasons
710.20	Statewide Turkey Permit Requirements
710.21	Turkey Permit Requirements – Special Hunts (Renumbered)
710.22	Turkey Permit Requirements – Landowner/Tenant Permits
710.25	Turkey Permit Requirements – Special Hunts
710.28	Turkey Permit Requirements – Heritage Youth Turkey Hunt (Repealed)
710.30	Turkey Hunting Regulations
710.40	Other Regulations (Repealed)
710.50	Regulations at Various Department-Owned or -Managed Sites
710.55	Special Hunts for Disabled Hunters
710.60	Releasing or Stocking of Turkeys
710.70	Spring Youth Turkey Hunt

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20].

SOURCE: Adopted at 4 Ill. Reg. 15, p. 153, effective April 1, 1980; codified at 5 Ill. Reg. 10643; amended at 6 Ill. Reg. 3852, effective March 31, 1982; amended at 7 Ill. Reg. 4208, effective March 25, 1983; amended at 8 Ill. Reg. 5663, effective April 16, 1984; amended at 9 Ill. Reg. 6200, effective April 24, 1985; amended at 10 Ill. Reg. 6848, effective April 4, 1986; amended at 11 Ill. Reg. 2267, effective January 20, 1987; amended at 12 Ill. Reg. 5342, effective March 8, 1988; amended at 13 Ill. Reg. 5090, effective April 4, 1989; amended at 14 Ill. Reg. 663, effective January 2, 1990; amended at 15 Ill. Reg. 4161, effective March 4, 1991; amended at 16 Ill. Reg. 1843, effective January 17, 1992; amended at 17 Ill. Reg. 3184, effective March 2, 1993; amended at 18 Ill. Reg. 1156, effective January 18, 1994; emergency amendment at 18 Ill. Reg. 3751, effective March 1, 1994, for a maximum of 150 days; emergency expired July 29, 1994; amended at 19 Ill. Reg. 2450, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5312, effective April 1, 1995, for a maximum of 150 days; emergency expired August 29, 1995; amended at 20 Ill. Reg. 777, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill.

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Reg. 9389; amended at 21 Ill. Reg. 3125, effective March 3, 1997; amended at 22 Ill. Reg. 2192, effective January 2, 1998; amended at 22 Ill. Reg. 19568, effective October 23, 1998; amended at 23 Ill. Reg. 11956, effective September 21, 1999; amended at 24 Ill. Reg. 7984, effective May 24, 2000; amended at 24 Ill. Reg. 17778, effective November 27, 2000; amended at 25 Ill. Reg. 14176, effective October 22, 2001; amended at 26 Ill. Reg. 18028, effective December 6, 2002; amended at 27 Ill. Reg. 17075, effective October 22, 2003; amended at 29 Ill. Reg. 3935, effective February 24, 2005; amended at 29 Ill. Reg. 20484, effective December 2, 2005; amended at 31 Ill. Reg. 1958, effective January 16, 2007; amended at 31 Ill. Reg. 16476, effective November 28, 2007; amended at 32 Ill. Reg. 19742, effective December 3, 2008; amended at 34 Ill. Reg. 4868, effective March 19, 2010; amended at 35 Ill. Reg. 3705, effective February 16, 2011; amended at 35 Ill. Reg. 20588, effective December 9, 2011; amended at 37 Ill. Reg. 1898, effective February 4, 2013; amended at 37 Ill. Reg. 20688, effective December 12, 2013; amended at 38 Ill. Reg. 22780, effective November 18, 2014; amended at 39 Ill. Reg. 10951, effective July 27, 2015.

Section 710.10 Hunting Seasons

a) Northern Zone Season Dates:

- 1st Season: Monday, April ~~11~~¹³-Friday, April ~~15, 2016~~^{17, 2015}
- 2nd Season: Saturday, April ~~16~~¹⁸-Thursday, April ~~21, 2016~~^{23, 2015}
- 3rd Season: Friday, April ~~22~~²⁴-Wednesday, April ~~27, 2016~~^{29, 2015}
- 4th Season: Thursday, April ~~28~~³⁰-Wednesday, May ~~4, 2016~~^{6, 2015}
- 5th Season: Thursday, May ~~5~~⁷-Thursday, May ~~12, 2016~~^{14, 2015}

b) Southern Zone Season Dates:

- 1st Season: Monday, April ~~4~~⁶-Friday, April ~~8, 2016~~^{10, 2015}
- 2nd Season: Saturday, April ~~9~~¹¹-Thursday, April ~~14, 2016~~^{16, 2015}
- 3rd Season: Friday, April ~~15~~¹⁷-Wednesday, April ~~20, 2016~~^{22, 2015}
- 4th Season: Thursday, April ~~21~~²³-Wednesday, April ~~27, 2016~~^{29, 2015}

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

5th Season: Thursday, April ~~28~~³⁰-Thursday, May ~~5, 2016~~^{7, 2015}

c) Open Counties:

NORTHERN ZONE

Adams
Boone
Brown
Bureau
Calhoun
Carroll
Cass
Champaign
Christian
Clark
Coles
Cumberland
DeKalb
DeWitt
Douglas
Edgar
Ford
Fulton
Greene
Grundy
Hancock
Henderson
Henry
Iroquois
Jersey
Jo Daviess
Kane
Kankakee
Kendall
Knox
Lake
La Salle
Lee
Livingston

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Logan
Macon
Macoupin
Marshall-Putnam
Mason
McDonough
McHenry
McLean
Menard
Mercer
Montgomery
Morgan
Moultrie
Ogle
Peoria
Piatt
Pike
Rock Island
Sangamon
Schuyler
Scott
Shelby
Stark
Stephenson
Tazewell
Vermilion
Warren
Whiteside
Will
Winnebago
Woodford

SOUTHERN ZONE

Alexander
Bond
Clay
Clinton
Crawford
Edwards

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Effingham
Fayette
Franklin
Hamilton
Gallatin-Hardin
Jackson
Jasper
Jefferson
Johnson
Lawrence
Madison
Marion
Massac
Monroe
Perry
Pope
Pulaski
Randolph
Richland
Saline
St. Clair
Union
Wabash
Washington
Wayne
White
Williamson

(Source: Amended at 39 Ill. Reg. 10951, effective July 27, 2015)

Section 710.20 Statewide Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Natural Resources for a fee of \$15. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident turkey permit. Non-resident turkey hunters shall be charged the maximum fee as allowed by Section 2.11 of the Wildlife Code [520 ILCS 5/2.11] for each wild turkey hunting permit. All hunters, except those exempted by Section 3.1 of the Wildlife Code [520 ILCS 5/3.1] are also required

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Applications for wild turkey permits shall be completed and submitted by visiting one of the Illinois Department of Natural Resources' DNR-Direct License vendors, by applying on-line at www.dnr.illinois.gov ~~www.dnr.state.il.us~~, by calling DNR-Direct License sales at 1-888-6PERMIT (1-888-673-7648) or by mailing to:

Department of Natural Resources – Spring Turkey
One Natural Resources Way
P.O. Box 19446
Springfield, Illinois 62794-9446

- b) Applicants must supply all information necessary to complete the application. Incomplete applications will be rejected and fees returned. Each applicant must submit payment for his/her individual application at the time of application. Not more than 6 applications may be submitted for group hunters. ~~Applicants submitting applications within three weeks of the season will not be guaranteed receipt of permit by start of season.~~
- c) Applications from Illinois residents will be accepted through December 1 for the First Lottery Drawing. Applications received in the permit office after December 1 will be included in the next computerized drawing. Permits are not transferable and refunds will not be granted. Permits will be allocated in a computerized drawing to be held in Springfield. Applicants rejected in this drawing will receive preference in the next year's drawing for spring season permits subject to guidelines outlined in subsection (g).
- d) Permits not issued during the first computerized drawing will be available in a Second Lottery Drawing ~~second computerized lottery drawing~~. Applications for this drawing will be accepted through the first working day after January 10. Applications received after this date will be included in the next drawing. All hunters not receiving a permit in the first computerized drawing and non-residents are eligible to apply for permits remaining for this Second Lottery Drawing ~~may apply at this time for the available permits~~. All resident permit applications will receive preference over non-resident applications.
- e) Any hunter who has not received a permit, and hunters that have received only one permit, may apply for a first or a second permit in a third computerized

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lottery drawing for the remaining permits. All resident permit applications will receive preference over non-resident applications. Applications for this Third Lottery Drawing~~third drawing~~ will be accepted through the first working day after February 8. Applications received after this date will be included in the next drawing.

- f) Permits remaining after the three lotteries will be available in a Fourth (and final) Lottery Drawing~~random daily drawing that begins the first working day after March 8~~. All applications received on or before the first working day after March 8 will be processed in this final Lottery~~the first daily drawing~~. Applications received after this date will be rejected and fees refunded. This drawing period is open to hunters applying for their first, second, and/or third permits.
- g) The following criteria must be met to obtain preference in the first computerized 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 spring turkey permit, and not had turkey hunting privileges revoked.
 - 3) The applicant must apply for the same county and season choices which he/she listed on the previous year's application. Preference will not be granted for special hunt areas as listed in Section 710.25 or for permit areas listed in Section 710.50(c).
- h) A \$3 service fee will be charged for replacement permits issued by the Department.
- i) The periods for accepting applications for the ~~first three~~ lotteries may be extended if applications are not available to the public by November 1. A news release will announce the extension of the application periods.
- j) It shall be unlawful to:
- 1) Submit applications before the second computerized lottery drawing for more than one permit for the same person.
 - 2) Submit applications before the third computerized lottery drawing for

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more than two permits for the same person.

- 3) Apply for or receive more than three permits for the spring turkey season.
- 4) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this section shall have their application rejected, permit revoked, and fees forfeited.

(Source: Amended at 39 Ill. Reg. 10951, effective July 27, 2015)

Section 710.22 Turkey Permit Requirements – Landowner/Tenant Permits

- a) The "immediate family" is defined as, and limited to, the spouse, children, and 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. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.
- c) Resident 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 one free turkey permit for their property only in counties open for turkey hunting. Non-resident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of \$37.50. All landowners/tenants who do not reside on the property must possess a valid hunting license.
- d) Applicants for Landowner/Tenant permits must apply using the official application form. Applications for Landowner/Tenant wild turkey permits must be submitted to:

Illinois Department of Natural Resources
POH Spring Wild Turkey Permit
One Natural Resources Way
P.O. Box 19227

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Springfield IL 62794-9227

- e) Applications for Landowner/Tenant permits will be accepted as soon as they are available. The application deadline for all Landowner/Tenant permit applications (both renewal and first time) is February 27.
- f) Landowners or tenants are not required to participate in the public drawing for permits. Landowner/tenant permits are valid for the entire 32 days encompassed by the 5 seasons, but allow the taking of only one wild turkey. This turkey hunting permit shall be valid on all lands the permit holder owns, leases, or rents in counties open for spring turkey hunting.
- gf) Recipients of Landowner/Tenant permits to hunt their owned or leased property may apply for a second permit in the third lottery (deadline: the first working day after February 8), and a third permit in the fourth lottery (deadline: ~~Random Daily Drawing period that begins~~ the first working day after March 8). Fees for these additional permits shall be \$15 for residents and the maximum fee as allowed by Section 2.11 of the Wildlife Code [520 ILCS 5/2.11] for nonresidents.
- hg) 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, recorded/file stamped by the County Recorder or County Clerk;
 - 2) Submittal of a copy of contract for deed, recorded/file stamped by the County Recorder or County Clerk;
 - 3) Submittal of copy of most recent real estate tax statement for the property that identifies the property acreage (upon which landowner's name appears as landowner or person signing application appears as landowner);
 - 4) Submittal of a current copy of a Farm Service Agency 156EZ form; or
 - 5) Submittal of a copy of trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- ih) If you are applying for a tenant permit, you are required to submit, in addition to

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the landowner certification and proof of ownership, a copy of one of the following:

- 1) Submittal of a copy of a lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the County Recorder or County Clerk, covering the current year. The agreement must contain the landowner's signature, tenant's signature, description of monetary consideration, specified period of the lease and acreage involved and a statement that the lease is for agricultural purposes; or
 - 2) Submittal of a current copy of a Farm Service Agency 156EZ form.
- j)** If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) 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 families may receive turkey permits.
- k)** Shareholder/Member/Beneficiary/Partner Landowner Permits
- 1) Bona fide equity shareholders of corporations, bona fide equity members of limited liability companies, current income beneficiaries of trusts and bona fide equity partners of general or limited partnerships owning 40 or more acres of land in a county may apply for a free 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, shall be issued based on ownership of lands by corporations, trusts and limited liability companies. Only one permit for 40 acres, for a maximum of 3 permits per county, shall be issued based on ownership of lands by partnerships. Lands leased to corporations, limited liability companies, trusts or partnerships shall not be considered as a basis for a free 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 free permit by the shareholders/members/partners of the trustee. If application is made for a free 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,

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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 subsections (k)(2), (3) and (4), identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation, limited liability company, trust or partnership lands.

A) In addition:

- i) Corporation applicants must submit a copy of ownership interest in a for-profit corporation with a fully-executed stock certificate, articles of incorporation or corporate agreement;
- ii) limited liability company applicants must submit a copy of the limited liability company's articles of organization or the operating agreement;
- iii) limited partnerships, limited liability limited partners, and limited liability partnership applicants must submit a copy of the partnership agreement, certificate of partnership or statement of qualification; and
- iv) general partnership applicants must submit a copy of the partnership agreement.

B) These documents must be attached to the application upon submittal to the Permit Office. This shareholder/member/beneficiary/partner turkey permit shall be free to resident shareholders/members/beneficiaries/partners and the cost to nonresident shareholders and members shall be \$37.50. Nonresident partners are not eligible to receive permits for partnership lands.

2) 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

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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.
- 3) 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 [805 ILCS 180].
 - B) intends to retain the membership for at least 5 years.
- 4) 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.
- 5) Bona fide equity partner means an individual who:
- A) became a partner, either general or limited, upon the formation of a partnership or limited partnership, or has purchased, acquired, or been gifted a partnership interest accurately representing his or her percentage distributional interest in the profits, losses, and assets of a partnership or limited partnership;
 - B) intends to retain ownership of the partnership interest for at least 5 years; and

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- C) is a resident of Illinois as defined in Section 2.26 of the Wildlife Code.
- ~~l~~) For the purpose of calculating acreage under this Section, the Department shall, after determining the total acreage of the applicable tract or tracts of land, round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre.
- ~~m~~) Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 39 Ill. Reg. 10951, effective July 27, 2015)

Section 710.30 Turkey Hunting Regulations

- a) It is unlawful:
- 1) to use live or electronic turkey decoys, recorded calls, dogs, or bait (an area is considered as baited during the presence of and for 10 consecutive days following the removal of the bait);
 - 2) to take any wild turkey except a hen with a visible beard or a gobbler (male);
 - 3) to take, or attempt to take, more than three wild turkeys during the spring season, one must have a valid permit for each turkey that is taken;
 - 4) to use any weapon except a shotgun or bow and arrow. #4 shot is the largest and #7½ is the smallest size shot that may be legally used or possessed while turkey hunting;
 - 5) to hunt except from ½ hour before sunrise to 1:00 p.m. during each day of the season;
 - 6) for any person having taken the legal limit of wild turkeys to further participate with a weapon in any hunting party for the purpose of taking additional wild turkeys;
 - 7) for any person to possess while in the field during wild turkey season any

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turkey permit issued to another person (permits are non-transferable);

- 8) to transport or leave a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Immediately upon kill and before the turkey is moved, transported or field dressed, the hunter must cut out the designated notch on the leg tag to invalidate it, and the tag must be affixed to the turkey. Successful hunters must register their harvest by 3:00 p.m. on the same calendar day as the turkey was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at www.dnr.illinois.gov~~http://dnr.state.il.us/vcheck~~. Hunters must provide all information requested by the check-in system, and will be provided with a confirmation number to verify that they checked in their harvest. The confirmation number must be written by the hunter on the leg tag. The leg tag must remain attached to the leg of the turkey until it is at the legal residence of the person who legally took or possessed the turkey and the turkey has been checked in. The turkey must remain whole (or field dressed) until it has been checked in;
 - 9) for any person to shoot a wild turkey while it is in a tree before 7:00 a.m.;
 - 10) for any person to hunt wild turkeys without possessing a Wild Turkey Hunting Permit which shall include the hunter's signature recorded on the permit and carried on the person while hunting, except that a person without a weapon may accompany a turkey hunter as a caller or observer;
 - 11) for any person to use a turkey call that imitates sounds made by a turkey or to attempt to call a turkey by making these sounds while in the field in the Southern Zone from March 15 through the day before the 1st turkey season and in the Northern Zone from March 22 through the day before the 1st turkey season. This prohibition only applies in counties open to spring turkey hunting. This prohibition does not apply to participants in the Youth Turkey Hunt with a valid permit, or their accompanying adult, during that season as prescribed by Section 710.70.
- b) Archers may use:
- 1) Vertical bows, limited to longbows, recurve bows or compound bows with minimum pull of 40 pounds at some point within a 28-inch draw.

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Minimum arrow length is 20 inches. Any mechanical device capable of maintaining a drawn or partially drawn position on a vertical bow without the hunter exerting full string tension is illegal.

- 2) Crossbows, so long as one or more of the following conditions are met:
 - A) If the user is a person age 62 and older with a valid photo ID containing proof of age; or
 - B) If the user is a disabled person to whom the Department has issued a permit to use a crossbow, as provided by 17 Ill. Adm. Code 760.
- c) Broadheads must be used. Broadheads may have fixed or expandable cutting surfaces, but they must have a minimum $\frac{7}{8}$ inch diameter when fully opened. Broadheads with fixed cutting surfaces must be metal or flint-, chert-, or obsidian-knapped; broadheads with expandable cutting surfaces must be metal. Any mechanical device capable of maintaining a drawn position or partially drawn position on a bow is illegal. All other bows and arrows, including electronic arrow tracking systems using radio telemetry, are illegal.
- d) Specifications for legal crossbows and bolts are contained in 17 Ill. Adm. Code 760.

(Source: Amended at 39 Ill. Reg. 10951, effective July 27, 2015)

Section 710.50 Regulations at Various Department-Owned or -Managed Sites

- a) Hunters who intend to hunt Department sites and who have a physical disability that requires special accommodations must contact the site superintendent at least 10 days before the date they wish to hunt. The site superintendent shall make reasonable accommodations necessary to allow the disabled person to participate in the hunting experience at the site. Disabled hunters who require an aide or assistant with them during the hunt are responsible for providing the aide or assistant and notifying the site superintendent that an assistant will be present, and whether the assistant will also be hunting.
- b) Hunters must sign in/sign out at all sites that are followed by a (1). Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by a (2).

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c) Statewide regulations shall apply for the following sites:

Alvah Borah State Habitat Area (2)

Anderson Lake [State](#) Conservation Area (1)

Argyle Lake State Park (2)

Cache River State Natural Area (1)

Campbell Pond [State](#) Wildlife Management Area (2)

Cape Bend State Fish and Wildlife Area (1)

Carlyle Lake State Fish and Wildlife Area (2)

Copperhead Hollow State Wildlife Area (2)

[Cretaceous Hills State Natural Area \(2\)](#)

Cypress Pond State Natural Area (1)

Deer Pond State Natural Area (1)

Devil's Island State Fish and Wildlife Area

Dog Island [State](#) Wildlife Management Area (2)

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

Flag Pond State Natural Area

Fort de Chartres State Historic Site (muzzleloading shotgun or archery only; no in-line muzzleloading shotguns or muzzleloaders with scopes allowed) (1)

[Fort Massac State Park \(2\)](#)

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Giant City State Park (1)

Horseshoe Lake [State](#) Conservation Area – Alexander County (controlled goose hunting area and public hunting area only) (1)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Units (all hunters must obtain a free site permit)

Jubilee State Park (archery only) (1)

Kaskaskia River State Fish and Wildlife Area (no hunting east of and within 50 yards of the defined Baldwin Lake Waterfowl Rest Area's main north-south road, within 100 yards of any house or building, or south of the Dry Lake access road; a hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, may hunt at the site's designated handicapped hunting spot within this closed area; the hunting spot will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Kinkaid Lake [State](#) Fish and Wildlife Area (1)

Mark Twain National Wildlife Refuge, Gardner Division

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

Mississippi River Pools 16, 17, 18, 21, 22, and 24

Nauvoo State Park (Max Rowe Unit only) (2)

Oakford [State](#) Conservation Area

Peabody River King State Fish and Wildlife Area (except South Subunit) (1)

Pere Marquette State Park (designated area only) (2)

Ray Norbut [State](#) Fish and Wildlife Area (2)

Rend Lake Project Lands and Waters except Wayne Fitzgerald State Park

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Saline County [State](#) Fish and Wildlife Area (2)

Sanganois [State](#) Conservation Area (2)

Sielbeck Forest State Natural Area (2)

Skinner Farm State Habitat Area (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County [State](#) Conservation Area – Firing Line Unit and Public Hunting Area only (1)

Weinberg-King State Park (2)

Weinberg-King State Park (Cecil White Unit) (2)

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

Wildcat Hollow [State](#) Habitat Area (2)

Wise Ridge State Natural Area

- d) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.20. This permit is only valid for the specific site and season indicated on the permit.

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

Beaver Dam State Park

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (2)

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Burning Star State Fish and Wildlife Area (2)

Butterfield Trail State Recreation Area (2)

Carlyle Lake State Fish and Wildlife Area – East Fork Management Unit
(2)

Castle Rock State Park (2)

Clinton Lake State Recreation Area (2)

Coffeen Lake State Fish and Wildlife Area

Crawford County State Fish and Wildlife Area (2)

Dixon Springs State Park (youth ages 10-15 only) (1)

Eagle Creek State Park (first two seasons only) (2)

Eldon Hazlet State Park

Ferne Clyffe State Park – Ferne Clyffe Hunting Area (1)

Fort Massac State Park (Youth Ages 10-15 only) (1)

Fox Ridge State Park (2)

French Bluff State Natural Area (2)

Green River State Wildlife Area (2)

Hamilton County State Conservation Area (2)

Hanover Bluff State Natural Area (2)

Harry "Babe" Woodyard State Natural Area (2)

Hidden Springs State Forest (2)

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Horseshoe Lake State Park (Madison County)

Iroquois County State Wildlife Area (2)

Jim Edgar Panther Creek State Fish and Wildlife Area (2)

Johnson-Sauk Trail State Park (2)

Kankakee River State Park (hunting hours are from ½ hour before sunrise until 12:00 noon) (1)

Kickapoo State Park (2)

Kishwaukee River State Fish and Wildlife Area (2)

Lowden Miller State Forest (2)

Mackinaw River [State](#) Fish and Wildlife Area (2)

Marseilles State Fish and Wildlife Area (site is open to hunting Monday through Thursday only; hunting hours are from ½ hour before sunrise until 8:30 a.m. with potential additional hunting hours being posted by the site; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots) (1)

Marshall [State](#) Fish and Wildlife Area (2)

Matthiessen State Park (South of Vermilion River Area) (1)

Mautino State Fish and Wildlife Area (2)

Meeker State Habitat Area (2)

Mermet Lake State Fish and Wildlife Area (2)

Middle Fork State Fish and Wildlife Management Area (2)

Mississippi Palisades State Park (closed during the fifth season) (2)

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Momence Wetlands (1)

Moraine View State Park (no hunting on weekends during 4th and 5th season) (2)

Morrison Rockwood State Park (closed during the fifth season) (1)

Mt. Vernon Game Propagation Center

Newton Lake [State](#) Fish and Wildlife Area (2)

Paul C. Burrus [State](#) Habitat Area (must have Fox Ridge State Park permit) (2)

Pere Marquette State Park (Piasa, Quotoga, Potawatomi Camp Areas) (no hunting allowed on weekends) (2)

Pyramid State Park (2)

[Pyramid State Park – Captain Unit \(2\)](#)

[Pyramid State Park – Denmark Unit \(2\)](#)

Pyramid State Park – East Conant Unit (2)

[Pyramid State Park – Galum Unit \(2\)](#)

Rall Woods State Natural Area (2)

Ramsey Lake State Park (1)

Randolph County [State](#) Conservation Area (a handicapped hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, wanting to hunt at one of the site's two designated handicapped hunting spots is not required to have a site-specific permit; these hunting spots will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

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Ray Norbut State Fish and Wildlife Area – Dutch Creek Unit (2)

Red Hills State Park (2)

Red Hills State Park/Chauncey Marsh (2)

Sahara Woods State Fish and Wildlife Area (2)

Sam Dale Lake State Fish and Wildlife Area (2)

Sam Parr State Fish and Wildlife Area (2)

Sand Ridge State Forest (2)

Sandy Ford State Natural Area

Sangamon County State Conservation AreaSanganois State Conservation Area (Squirrel Timber Unit) (2)

Sangchris Lake State Park (2)

Shelbyville State Fish and Wildlife Area (2)

Siloam Springs State Park (2)

Siloam Springs State Park (Buckhorn Unit) (2)

South Shore State Park (~~must have Eldon Hazlet State Park permit~~)

Spoon River State Forest (2)

Starved Rock State Park (1)

Stephen A. Forbes State Park (2)

Tapley Woods State Natural Area (2)

Ten Mile Creek State Fish and Wildlife Area (2)

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Vesely Land and Water Reserve

Washington County State Conservation Area (1)

Wayne Fitzgerald State Recreation Area

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

Weldon Springs State Park – Piatt County Unit (2)

Winston Tunnel State Natural Area (2)

Witkowsky State Wildlife Area (2)

Wolf Creek State Park (first 2 seasons only) (1)

(Source: Amended at 39 Ill. Reg. 10951, effective July 27, 2015)

Section 710.70 Spring Youth Turkey Hunt

- a) Hunting Dates
 - 1) Northern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Northern Zone first spring turkey hunting season.
 - 2) Southern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Southern Zone first spring turkey hunting season.
- b) Open Counties: All counties listed in Section 710.10 are open to Spring Youth Turkey Hunting.
- c) Eligibility: The Spring Youth Turkey Hunt is open only to hunters who have not reached the age of 18~~their 16th birthday~~ prior to the opening date of the youth season. Hunters must have an apprentice or youth hunting license, or they must have completed a State-approved Hunter Education course and have a hunting license, unless exempt. In addition, hunters must have a Habitat Stamp, unless exempt.

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- d) Permit Requirements – Spring Youth Turkey Hunt
- 1) All youth hunters must have a current, valid Youth Turkey Hunt Permit (\$10). Hunters are eligible to purchase only one Youth Turkey Hunt Permit. Hunting without a permit is a Class B misdemeanor (see 520 ILCS 5/2.9).
 - 2) For a county permit: Youth Turkey Hunt Permits valid for counties open to youth turkey hunting will be available for sale over-the-counter (OTC) from agents beginning the first Tuesday in March through the last day of the Youth Turkey Season.
 - 3) For a Special Hunt Area permit: Youth hunters may apply online (<http://dnr.state.il.us/admin/turkey.htm>) for a site-specific permit valid for one of the Special Hunt Areas. The application period begins the third Tuesday in January and ends the third Monday in February. Permits will be allocated via a lottery drawing in which Illinois residents will be given preference.
 - 4) The applicants must not have had their hunting privileges suspended or revoked in this State or any other state.
 - 5) A \$3 service fee will 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.
 - 6) The Youth Turkey Hunt Permit shall be valid only for the dates and counties/Special Hunt Area listed on the permit.
 - 7) A permit issued for the Youth Turkey Hunt will count toward the maximum number of permits (Section 710.20(j)(3)) an individual can receive for the Spring Wild Turkey Season.
- e) Youth Turkey Hunting Regulations
- 1) Each hunter participating in the Illinois Youth Turkey Hunt while using an Apprentice Hunter License or Youth Hunting License must be accompanied by a non-hunting, validly-licensed (Illinois hunting license)

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parent, guardian or grandparent. All other hunters (using other types of hunting licenses or license-exempt) participating in the Youth Turkey 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. An Illinois resident serving as a youth supervisor must have a valid FOID card regardless of whether he or she has a valid Illinois hunting license. FOID cards are not issued to non-residents, so non-residents serving as youth supervisors must have a valid Illinois hunting license. The non-hunting supervisor 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 shall be subject to the criminal penalties provided by law.

- 2) All regulations prescribed by Section 710.30 ~~of this Part~~ apply during the Youth Turkey Hunt.
- f) The following sites will be open to holders of a valid Youth Turkey Hunt Permit for the county in which the site is located. Persons wishing to hunt one of the listed sites should contact that site prior to hunting for information about site regulations and restrictions. Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by a (2).

Anderson Lake [State](#) Fish and Wildlife Area

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

Argyle Lake State Park

Big Bend [State](#) Fish and Wildlife Area (Whiteside County)

Big River State Forest

Cache River State Natural Area

Cape Bend State Fish and Wildlife Area

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Carlyle Lake State Fish and Wildlife Area (2)

Carlyle Lake State Fish and Wildlife Area – East Fork Management Unit
(2)

Copperhead Hollow State Wildlife Area (2)

Crab Orchard National Wildlife Refuge Public Hunting Area

Crawford County State Fish Wildlife Area

Cypress Pond State Natural Area

Deer Pond State Natural Area

Devil's Island State Fish and Wildlife Area

Dog Island [State](#) Wildlife Management Area

Ferne Clyffe State Park – Cedar Draper State Habitat Area

Giant City State Park

Green River State Wildlife Area (2)

Hanover Bluff State Natural Area (2)

Horseshoe Lake [State](#) Conservation Area – Alexander County

Kaskaskia River State Fish and Wildlife Area

Kinkaid Lake State Fish and Wildlife Area

[Lake Shelbyville Project Land \(U.S. Army Corps of Engineers managed\)
– Moultrie County](#)

[Lake Shelbyville Project Land \(U.S. Army Corps of Engineers managed\)
– Shelby County](#)

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- Mackinaw River State Fish and Wildlife Area (2)
- Marshall State Fish and Wildlife Area
- Mermet Lake State Fish and Wildlife Area
- Moraine View State Park (free site permit required)
- Mississippi River Area Pools 21, 22, 24, 25 and 26
- Mt. Vernon Game Propagation Center (1)
- Nauvoo State Park (Max Rowe Unit Only) (2)
- Newton Lake State Fish and Wildlife Area (2)
- Pere Marquette State Park (open area east of Graham Hollow Road only)
(2)
- Pyramid State Park (2)
- Pyramid State Park – East Conant Unit (2)
- Rall Woods State Natural Area (2)
- Ray Norbut [State](#) Fish and Wildlife Area (2)
- Rend Lake Corps of Engineers-managed land in Jefferson and Franklin Counties
- Rend Lake State Fish and Wildlife Area
- Sahara Woods State Fish and Wildlife Area (2)
- Sam Parr State Fish and Wildlife Area (2)
- Shelbyville State Fish and Wildlife Area (2)
- Sielbeck Forest State Natural Area (2)

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Siloam Springs State Park (2)

Siloam Springs State Park (Buckhorn Unit) (2)

Skinner Farm State Habitat Area

Spoon River State Forest (2)

Tapley Woods State Natural Area (2)

Trail of Tears State Forest

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs State Fish and Wildlife Area

Union County [State](#) Conservation Area

Weinberg-King State Park (2)

Weinberg-King State Park (Cecil White Unit) (2)

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

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

Winston Tunnel State Natural Area (2)

Wise Ridge State Natural Area

Witkowsky State Wildlife Area (2)

- g) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.70(d). This permit is only valid for the specific site and season indicated on the permit.

[Burning Star State Fish and Wildlife Area \(2\)](#)

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Butterfield Trail State Recreation Area (2)

Castle Rock State Park

Clinton Lake State Recreation Area (2)

Coffeen Lake State Fish and Wildlife Area

Crab Orchard National Wildlife Refuge (Closed Portion)

Eldon Hazlet State Park

Ferne Clyffe State Park – Ferne Clyffe Hunting Area

Harry "Babe" Woodyard State Natural Area (2)

Hidden Springs State Forest

Iroquois County State Fish and Wildlife Area (2)

Jim Edgar Panther Creek State Fish and Wildlife Area

Kankakee River State Park

Kickapoo State Recreation Area (2)

~~Lake Shelbyville Project Land (U.S. Army Corps of Engineers managed)
Moultrie County~~

~~Lake Shelbyville Project Land (U.S. Army Corps of Engineers managed)
Shelby County~~

Middle Fork State Fish and Wildlife Area

Momence Wetlands

Sam Dale Lake State Fish and Wildlife Area (2)

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Sand Ridge State Forest

Sangchris Lake State Park

South Shore State Park (must have Eldon Hazlet State Park permit)

Stephen A. Forbes State Park (2)

Wayne Fitzgerald State Recreation Area

Weldon Springs – Piatt County Unit (2)

(Source: Amended at 39 Ill. Reg. 10951, effective July 27, 2015)

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NOTICE ADOPTED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys – Fall Gun Season
- 2) Code Citation: 17 Ill. Adm. Code 715
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
715.20	Amendment
715.25	Amendment
715.30	Amendment
715.40	Amendment
- 4) Statutory Authority: Sections 1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20]
- 5) Effective Date of Rules: July 27, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: April 3, 2015; 39 Ill. Reg. 4742
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Section 715.25(e), "made" has been added after "are" and "by the Department" has been added after "available".
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part has been amended to modify the Authority note, change the existing "random daily drawing period" for distributing turkey

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permits remaining after 2 lottery drawings to a third (and final) lottery drawing with a fixed application deadline; set an application deadline for property-only turkey permits; update the website address that hunters may use for reporting harvest, open and close State-owned or -managed sites and amend procedures at State sites.

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

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 715
THE TAKING OF WILD TURKEYS – FALL GUN SEASON

Section

715.10	Hunting Season, Open Counties and Permit Quotas
715.20	Statewide Turkey Permit Requirements
715.21	Turkey Permit Requirements – Special Hunts
715.25	Turkey Permit Requirements – Landowner/Tenant Permits
715.30	Turkey Hunting Regulations
715.40	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20].

SOURCE: Adopted at 13 Ill. Reg. 14950, effective September 6, 1989; amended at 14 Ill. Reg. 12421, effective July 20, 1990; amended at 15 Ill. Reg. 11618, effective August 2, 1991; amended at 16 Ill. Reg. 11101, effective June 30, 1992; amended at 17 Ill. Reg. 10858, effective July 1, 1993; amended at 18 Ill. Reg. 10013, effective June 21, 1994; amended at 19 Ill. Reg. 11806, effective August 3, 1995; amended at 20 Ill. Reg. 10898, effective August 5, 1996; amended at 21 Ill. Reg. 9110, effective June 26, 1997; amended at 22 Ill. Reg. 14866, effective August 3, 1998; amended at 23 Ill. Reg. 9091, effective July 28, 1999; amended at 24 Ill. Reg. 8965, effective June 19, 2000; amended at 25 Ill. Reg. 11460, effective August 14, 2001; amended at 26 Ill. Reg. 13855, effective September 5, 2002; amended at 27 Ill. Reg. 12650, effective July 21, 2003; amended at 28 Ill. Reg. 11904, effective July 27, 2004; amended at 29 Ill. Reg. 15542, effective September 27, 2005; amended at 29 Ill. Reg. 18938, effective November 4, 2005; amended at 30 Ill. Reg. 14518, effective August 24, 2006; amended at 31 Ill. Reg. 11711, effective July 27, 2007; amended at 32 Ill. Reg. 14830, effective August 27, 2008; amended at 33 Ill. Reg. 13911, effective September 21, 2009; amended at 34 Ill. Reg. 10814, effective July 16, 2010; amended at 35 Ill. Reg. 15259, effective September 2, 2011; amended at 37 Ill. Reg. 19283, effective November 14, 2013; amended at 39 Ill. Reg. 10983, effective July 27, 2015.

Section 715.20 Statewide Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a

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"Wild Turkey Hunting Permit" from the Department of Natural Resources for a fee of \$15. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident turkey permit. Non-resident turkey hunters shall be charged the maximum fee allowed by Section 2.11 of the Wildlife Code [520 ILCS 5/2.11] for each turkey hunting permit. All hunters, except those exempted by Section 3.1 of the Wildlife Code [520 ILCS 5/3.1], are required to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Hunting without a valid turkey permit is a Class B misdemeanor (see 520 ILCS 5/2.9). Applications for wild turkey permits shall be completed by applying on-line at www.dnr.state.il.us or by calling DNR-Direct License sales at 1-888-6PERMIT (1-888-673-7648).

- b) Applicants must supply all information necessary to complete the application. Incomplete applications shall be rejected and fees returned. Each applicant must submit payment for his/her individual application at the time of application. Not more than 6 applications may be submitted for group hunters. Applicants submitting applications within three weeks prior to the season shall not be guaranteed receipt of permit by start of season.
- c) Applications shall be accepted from residents only from the date on which they became available through the first Monday in July. Permits are not transferable and refunds shall not be granted. Permits shall be allocated in a computerized drawing to be held in Springfield. Applications received after the first Monday in July shall not be included in the drawing.
- d) Permits not issued during the first computerized drawing shall be available in a second computerized lottery drawing. Applications for this drawing will be accepted through the seventh Monday after the initial lottery deadline. Applications received after this date will not be included in the drawing. All hunters not receiving a permit in the first computerized drawing and non-residents may apply at this time for the available permits. Illinois residents will be given preference for permits allocated in the second lottery drawing.
- e) Permits remaining after the two lotteries will be available in a ~~random daily~~ drawing that ~~will have an application deadline of begins on~~ the fourth Monday after the second lottery deadline. ~~Applications received after this date will not be included in the drawing. All applications received on or before this date will be processed in the first daily drawing.~~ This ~~lottery drawing period~~ is open to hunters

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applying for their first [and](#)/or second permits. Hunters may obtain a maximum of two permits for the fall gun season.

- f) A \$3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, no charge will be made.
- g) It shall be unlawful to:
 - 1) Submit applications before the second computerized lottery drawing for more than one permit for the same person. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);
 - 2) Apply for or receive more than two permits for the fall gun turkey season. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9); or
 - 3) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this Section shall have their application rejected, permit revoked, and fees forfeited. Violation is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 39 Ill. Reg. 10983, effective July 27, 2015)

Section 715.25 Turkey Permit Requirements – Landowner/Tenant Permits

- a) The "immediate family" of a landowner or tenant is defined as, and limited to, the spouse, children and 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. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.
- c) Resident 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 one free turkey permit for their property only in counties open for turkey hunting. Non-resident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to

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receive a permit for their property only for a fee of \$37.50. All landowners/tenants who do not reside on the property must possess a valid hunting license.

- d) Applicants for Landowner/Tenant permits must apply using the official application form. Applications for Landowner/Tenant wild turkey permits must be submitted to:

Illinois Department of Natural Resources
POH Fall Shotgun Wild Turkey Permit
One Natural Resources Way
P.O. Box 19227
Springfield IL 62794-9227

- e) Applications for Landowner/Tenant permits will be accepted as soon as they are made available by the Department. The application deadline for all Landowner/Tenant permit applications (both renewal and first time) is October 1.

- f) Landowners or tenants are not required to participate in the public drawing for permits and are not counted towards the total number of permits issued for a particular county.

- gf) Recipients of Landowner/Tenant permits to hunt their owned or leased property may apply for one additional county-wide permit in the third (final) lottery drawing beginning the third Monday in September from any permits remaining. Fees for this additional permit are set in Section 715.20(a).

- hg) 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, recorded/file stamped by the County Recorder or County Clerk;
- 2) Submittal of a copy of contract for deed, recorded/file stamped by the County Recorder or County Clerk;
- 3) Submittal of a copy of the most recent real estate tax statement for the property that identifies the property acreage (upon which the landowner's name appears as landowner or the person signing the application appears

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as landowner);

- 4) Submittal of a copy of a current 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.

ih) If applying for a 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 Recorder or County Clerk, covering the current year. The agreement must contain the landowner's signature, tenant's signature, description of monetary consideration, specified period of the lease and acreage involved, and a statement that the lease is for agricultural purposes; or
- 2) A copy of the current Farm Service Agency 156EZ form.

ij) A hunting rights lease or other non-agricultural lease is not valid as a basis for obtaining a landowner or tenant permit.

ik) If the property is owned or rented by more than one person: Only one landowner (and immediate family) or one tenant (and 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 turkey permits.

il) Shareholder/Member/Partner Landowner Permits

- 1) Bona fide equity shareholders of corporations, bona fide equity members of limited liability companies and bona fide equity partners of a general or limited partnership owning 40 or more acres of land in a county may apply for one permit to hunt the corporation, limited liability company or partnership lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations and limited liability companies. Only one permit per 40 acres, for a maximum of 3 permits per county, shall be issued based

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on ownership of lands by partnerships. Lands leased to corporations, limited liability companies or partnerships shall not be considered as a basis for a permit for the shareholders/members/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 or partnership, a duly authorized officer of the corporation, limited liability company or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, company or partnership lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder, member or partner as defined in subsections (1k)(2), (3) and (4), identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation, limited liability company or partnership lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder/member/partner turkey permit shall be free to resident shareholders/members/partners and the cost to nonresident shareholders and members shall be \$37.50. Nonresident partners are not eligible to receive permits for partnership lands.

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

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appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently became a member of the company pursuant to Article 30 of the Limited Liability Company Act;

- B) intends to retain the membership for at least 5 years; and
- C) is a member of a foreign LLC who includes a file-stamped copy of his or her current annual filing with the Illinois Secretary of State as part of the application.

4) Bona fide equity partner means an individual who:

- A) became a partner, either general or limited, upon the formation of a partnership or limited partnership, or has purchased, acquired, or been gifted a partnership interest accurately representing his or her percentage distributional interest in the profits, losses, and assets of a partnership or limited partnership;
- B) intends to retain ownership of the partnership interest for at least 5 years; and
- C) is a resident of Illinois.

m†) *For the purposes of calculating acreage under this Section, the Department shall, after determining the total acreage of the applicable tract or tracts of land, round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre [520 ILCS 5/2.26].*

nn) Providing false or deceptive information is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 39 Ill. Reg. 10983, effective July 27, 2015)

Section 715.30 Turkey Hunting Regulations

- a) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.9), except that hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in

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addition to other statutory penalties (see 520 ILCS 5/2.33(y)). It is unlawful:

- 1) to use live or electronic turkey decoys, recorded calls, dogs or bait. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait;
 - 2) to take, or attempt to take, more than one wild turkey per valid permit (either sex may be harvested);
 - 3) to use any weapon except a shotgun. #4 shot is the largest and #7½ is the smallest size shot that may be legally used;
 - 4) to hunt except from ½ hour before sunrise to sunset during each day of the season;
 - 5) for any person to hunt wild turkeys without having a signed Wild Turkey Hunting Permit in possession, except that a person without a weapon may accompany a turkey hunter as a caller or observer;
 - 6) to transport or leave a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Immediately upon kill and before the turkey is moved, transported or field dressed, the hunter must cut out the designated notch on the leg tag to invalidate it, and the tag must be affixed to the turkey;
 - 7) for any person to shoot a wild turkey while it is in a tree before 7:00 a.m.; and
 - 8) to possess while in the field, during turkey season, any turkey permit issued to another person. (Permits are non-transferrable.)
- b) Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the turkey was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at www.dnr.illinois.gov <http://dnr.state.il.us/vcheck>. Hunters must provide all information requested by the check-in system, and will be provided with a confirmation number to verify that they checked in their harvest. The confirmation number must be written by the hunter onto the leg tag. The leg tag must remain attached to the leg of the turkey until it is at the legal residence of the

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person who legally took or possessed the turkey and the turkey has been checked in. The turkey must remain whole (or field dressed) until it has been checked in.

- c) Failure to comply with the regulations in this Part is a Class B misdemeanor (see 520 ILCS 5/2.9).

(Source: Amended at 39 Ill. Reg. 10983, effective July 27, 2015)

Section 715.40 Regulations at Various Department-Owned or -Managed Sites

- a) Statewide regulations shall apply for the following sites:

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

Kaskaskia River State Fish and Wildlife Area (except that area north of Hwy. 154, east of the Kaskaskia River and south of Risdon School Road and Beck's Landing access road)

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

Mississippi River Pools 16, 17, 18

Mississippi River Pools 21, 22, 24

Rend Lake Project Lands

Wise Ridge State Natural Area

- b) Statewide regulations shall apply except that all hunters must check in, check out, and report harvest at those sites listed below. Quotas, where listed, shall be on a first come-first served basis. Hunters shall not be allowed to sign in prior to 4 a.m. each day of the season.

Cache River State Natural Area (Johnson County portion only)

Cape Bend State Fish and Wildlife Area

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Cypress Pond State Natural Area

Deer Pond State Natural Area

Devil's Island State Fish and Wildlife Area

Dog Island State Wildlife Management Area

Ferne Clyffe State Park

Fort de Chartres State Historic Site (muzzleloading shotguns only)

Giant City State Park

Horseshoe Lake State Conservation Area (public hunting area except for controlled goose hunting area)

Kinkaid Lake State Fish and Wildlife Area

Skinner Farm State Habitat Area

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Union County State [Fish and Wildlife Conservation](#) Area – Firing Line Management Unit Only

- c) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 715.20. This permit is only valid for the specific site indicated on the permit.

Crawford County State Fish and Wildlife Area

[Flag Pond State Natural Area](#)

Hamilton County State Conservation Area

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Meeker State Habitat Area

Newton Lake State Fish and Wildlife Area

Sam Parr State Fish and Wildlife Area

Sand Ridge State Forest

Ten Mile Creek State Fish and Wildlife Area

- d) Statewide regulations shall apply except hunters shall register and report their harvest through the use of windshield cards as specified in 17 Ill. Adm. Code 510.10.

Apple River Canyon State Park – Salem and Thompson Units

Argyle Lake State Park

Big River State Forest

Copperhead Hollow State Fish and Wildlife Area

Hanover Bluff State Natural Area

Jim Edgar Panther Creek State Fish and Wildlife Area (site specific permit required)

Nauvoo State Park (Max Rowe Unit only)

Pere Marquette State Park (east of Graham Hollow Road)

Rall Woods State Natural Area

Ray Norbut State Fish and Wildlife Area

[Ray Norbut State Fish and Wildlife Area – Dutch Creek Unit](#)

Sahara Woods State Fish and Wildlife Area

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Saline County State Conservation Area

Siloam Springs State Park (sign in/sign out required)

Spoon River State Forest

Tapley Woods State Natural Area

Weinberg-King State Park

Weinberg-King State Park – Cecil White Unit

Weinberg-King State Park – Scripps Unit

Weinberg-King State Park – Spunky Bottoms Unit

Winston Tunnel State Natural Area

Witkowsky State Wildlife Area

- e) Special program for hunters with disabilities. Statewide regulations shall apply unless designated otherwise by site regulations. Only disabled persons participating in the site's firearm deer hunt are eligible to participate. This hunt will run concurrent with the site's firearm deer hunt (refer to 17 Ill. Adm. Code 650.67 for hunt dates). Permits will be \$15 each; site specific for Rock Cut; issued at the site during check in for firearm deer hunting. Any additional availability will be publicly announced.

Rock Cut State Park

- f) Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.9).

(Source: Amended at 39 Ill. Reg. 10983, effective July 27, 2015)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys – Fall Archery Season
- 2) Code Citation: 17 Ill. Adm. Code 720
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
720.25	Amendment
720.30	Amendment
720.40	Amendment
- 4) Statutory Authority: Sections 1.3, 1.4, 2.9, 2.10, 2.11 and 2.20 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10, 2.11 and 2.20]
- 5) Effective Date of Rules: July 27, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: April 3, 2015; 39 Ill. Reg. 4757
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version:

Section 720.25(e), "they are available" has been changed to "the Department makes the application form available".

Section 720.40, "Anderson Lake Conservation Area", "State" has been added before "Conservation".
- 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 an emergency rule currently in effect? No

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- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part has been amended to modify the Authority note, set an application deadline for property-only turkey permits, update the website address that hunters may use for reporting harvest, open and close State-owned or -managed sites, and amend procedures at State sites.
- 16) Information and questions regarding this adopted rule shall be directed to:

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 720
THE TAKING OF WILD TURKEYS – FALL ARCHERY SEASON

Section

720.10	Hunting Seasons and Counties Open to Hunting
720.20	Statewide Turkey Permit Requirements
720.25	Turkey Permit Requirements – Landowner/Tenant Permits
720.30	Turkey Hunting Regulations
720.40	Regulations at Various Department-Owned or -Managed Sites
720.50	Releasing or Stocking of Turkeys (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10, 2.11 and 2.20 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10, 2.11 and 2.20].

SOURCE: Adopted and codified at 8 Ill. Reg. 7825, effective May 22, 1984; emergency amendments at 8 Ill. Reg. 20086, effective October 12, 1985, for a maximum of 150 days; emergency expired March 2, 1985; amended at 9 Ill. Reg. 14311, effective September 5, 1985; amended at 11 Ill. Reg. 9556, effective May 5, 1987; amended at 12 Ill. Reg. 12254, effective July 15, 1988; amended at 13 Ill. Reg. 12831, effective July 21, 1989; amended at 14 Ill. Reg. 12413, effective July 20, 1990; amended at 15 Ill. Reg. 11611, effective August 2, 1991; amended at 16 Ill. Reg. 11093, effective June 30, 1992; amended at 16 Ill. Reg. 15442, effective September 28, 1992; amended at 17 Ill. Reg. 281, effective December 28, 1992; amended at 17 Ill. Reg. 10850, effective July 1, 1993; amended at 18 Ill. Reg. 10104, effective June 21, 1994; amended at 19 Ill. Reg. 11799, effective August 3, 1995; amended at 20 Ill. Reg. 10890, effective August 5, 1996; amended at 21 Ill. Reg. 9102, effective June 26, 1997; amended at 22 Ill. Reg. 14856, effective August 3, 1998; amended at 23 Ill. Reg. 9082, effective July 28, 1999; amended at 24 Ill. Reg. 8956, effective June 19, 2000; amended at 25 Ill. Reg. 11448, effective August 14, 2001; amended at 26 Ill. Reg. 13867, effective September 5, 2002; amended at 27 Ill. Reg. 12658, effective July 21, 2003; amended at 28 Ill. Reg. 13612, effective September 24, 2004; amended at 29 Ill. Reg. 18345, effective August 26, 2005; amended at 29 Ill. Reg. 18944, effective November 4, 2005; amended at 30 Ill. Reg. 12240, effective June 28, 2006; amended at 31 Ill. Reg. 11723, effective July 27, 2007; amended at 32 Ill. Reg. 14843, effective August 27, 2008; amended at 33 Ill. Reg. 13918, effective September 21, 2009; amended at 34 Ill. Reg. 10821, effective July 16, 2010; amended at 35 Ill. Reg. 15268, effective September 2, 2011;

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amended at 37 Ill. Reg. 19297, effective November 14, 2013; amended at 39 Ill. Reg. 10997, effective July 27, 2015.

Section 720.25 Turkey Permit Requirements – Landowner/Tenant Permits

- a) The "immediate family" of a landowner or tenant is defined as, and limited to, the spouse, children and 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. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.
- c) Resident 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 one free turkey permit for their property only in counties open for turkey hunting. Non-resident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of \$25. All landowners/tenants who do not reside on the property must possess a valid hunting license.
- d) Applicants for landowner/tenant permits must apply using the official application form. Applications for landowner/tenant wild turkey permits must be submitted to:

Illinois Department of Natural Resources
POH Fall Archery Wild Turkey Permit
One Natural Resources Way
P.O. Box 19227
Springfield IL 62794-9227
- e) Applications for Landowner/Tenant permits will be accepted as soon as the Department makes the application form available. The application deadline for all Landowner/Tenant permit applications (both renewal and first time) is October 1.
- f) Proof of ownership for all landowner or tenant applications must be provided by

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one of the following methods:

- 1) Submittal of a copy of property deed, recorded/file stamped by the County Recorder or County Clerk;
 - 2) Submittal of a copy of contract for deed, recorded/file stamped by the County Recorder or County Clerk;
 - 3) Submittal of a copy of the most recent real estate tax statement for the property that identifies the property acreage (upon which the landowner's name appears as landowner or the person signing the application appears as landowner);
 - 4) Submittal of a copy of a current Farm Service Agency 156EZ form; or
 - 5) Submittal of a copy of trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- gf) If applying for a 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 Recorder or County Clerk, covering the current year. The agreement must contain the landowner's signature, tenant's signature, description of monetary consideration, specified period of the lease and the acreage involved, and a statement that the lease is for agricultural purposes; or
 - 2) A copy of the current Farm Service Agency 156EZ form.
- hg) A hunting rights lease or other non-agricultural lease is not valid as a basis for obtaining a landowner or tenant permit.
- ih) If the property is owned or rented by more than one person: Only one landowner (and immediate family) or one tenant (and 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 turkey permits.

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- (j) Shareholder/Member/Partner Landowner Permits
- 1) Bona fide equity shareholders of corporations, bona fide equity members of limited liability companies and bona fide equity partners of a general or limited partnership owning 40 or more acres of land in a county may apply for one permit to hunt the corporation, limited liability company or partnership lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations and limited liability companies. Only one permit per 40 acres, for a maximum of 3 permits per county, shall be issued based on ownership of lands by partnerships. Lands leased to corporations, limited liability companies or partnerships shall not be considered as a basis for a permit for the shareholders/members/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 or partnership, a duly authorized officer of the corporation, limited liability company or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, company or partnership lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder, member or partner as defined in subsections (j)(2), (3) and (4), identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation, limited liability company or partnership lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder/member/partner turkey permit shall be free to resident shareholders/members/partners and the cost to nonresident shareholders and members shall be \$25. Nonresident partners are not eligible to receive permits for partnership lands.
 - 2) 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.
- 3) 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 an Illinois 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 became a member of the company pursuant to Article 30 of the Limited Liability Company Act;
 - B) intends to retain the membership for at least 5 years; and
 - C) is a member of a foreign LLC who includes a file-stamped copy of his or her current annual filing with the Illinois Secretary of State as part of the application.
- 4) Bona fide equity partner means an individual who:
- A) became a partner, either general or limited, upon the formation of a partnership or limited partnership, or has purchased, acquired, or been gifted a partnership interest accurately representing his or her percentage distributional interest in the profits, losses, and assets of a partnership or limited partnership;
 - B) intends to retain ownership of the partnership interest for at least 5 years; and
 - C) is a resident of Illinois.
- kj) *For the purposes of calculating acreage under this Section, the Department shall, after determining the total acreage of the applicable tract or tracts of land, round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre [520 ILCS 5/2.26].*

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- 1k) Providing false or deceptive information is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 39 Ill. Reg. 10997, effective July 27, 2015)

Section 720.30 Turkey Hunting Regulations

- a) It is unlawful:
- 1) to use live or electronic turkey decoys, recorded calls, dogs or bait. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait;
 - 2) to take, or attempt to take, more than 1 wild turkey per valid permit during the fall archery season (either sex may be harvested);
 - 3) to use any weapon except:
 - A) a long, recurved or compound bow with a minimum pull of 40 pounds at some point within a 28 inch draw. Minimum arrow length is 20 inches, and broadheads must be used. Any mechanical device capable of maintaining a drawn or partially drawn position on a bow without the hunter exerting full string tension is illegal;
 - B) Crossbows, so long as one or more of the following conditions are met:
 - i) if the user is a person age 62 and older with a valid photo ID containing proof of age; or
 - ii) if the user is a disabled person to whom the Department has issued a permit to use a crossbow as provided by 17 Ill. Adm. Code 760; or
 - iii) if the date is between the second Monday following the Thanksgiving holiday through the last day of the archery deer hunting season (both inclusive);

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- C) Broadheads may have fixed or expandable cutting surfaces, but they must have a minimum $\frac{7}{8}$ inch diameter when fully opened. Broadheads with fixed blades must be metal or flint-, chert-, or obsidian-napped; broadheads with expandable cutting surfaces must be metal. All other bows and arrows, including electronic arrow tracking systems utilizing radio telemetry, are illegal;
- 4) for any person having taken the limit of wild turkeys to further participate with a weapon in any hunting party for the purpose of taking additional turkeys;
- 5) for any person to hunt wild turkeys without having a signed Archery Wild Turkey Hunting Permit in possession, except that a person without a weapon may accompany a turkey hunter as a caller or observer;
- 6) to transport or leave a wild turkey without first affixing the turkey permit securely around the leg. Immediately upon kill and before the turkey is moved, transported or field dressed, the hunter must invalidate the leg tag and the tag must be affixed to the turkey (for over-the-counter permits the leg tag is invalidated by detaching it from the permit; for property only hunting (POH) landowner permits, the leg tag is invalidated by cutting out the designated notch on the tag); and
- 7) to possess, while in the field during archery turkey season, any turkey permit issued to another person.
- b) Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the turkey was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at www.dnr.illinois.gov<http://dnr.state.il.us/vcheck>. Hunters must provide all information requested by the check-in system, and will be provided with a confirmation number to verify that they checked in their harvest. The confirmation number must be written by the hunter onto the leg tag. The leg tag must remain attached to the leg of the turkey until it is at the legal residence of the person who legally took or possessed the turkey and the turkey has been checked in. The turkey must remain whole (or field dressed) until it has been checked in.
- c) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.9).

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(Source: Amended at 39 Ill. Reg. 10997, effective July 27, 2015)

Section 720.40 Regulations at Various Department-Owned or -Managed Sites

Statewide regulations shall apply for the following sites, except those sites designated below by asterisk (*) shall be open to archery turkey hunting without regard to firearm deer season. Those sites followed by (1) require hunters to check in and check out. Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.9). Those sites followed by a (2) require hunters to obtain a permit from the site before hunting. Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by (3).

Alvah Borah State Habitat Area (3)

* Anderson Lake [State](#) Conservation Area (1)

Apple River Canyon State Park – Salem and Thompson Units (3)

Argyle Lake State Park (3)

Beaver Dam State Park (site specific archery deer permit hunters only; disabled hunting is available in the designated blind location upon request; Class P2A, disabled hunters, are required to be accompanied by a non-disabled hunter, who may also hunt from the same blind location) (2)

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (3)

Butterfield Trail State Recreation Area (3)

Cache River State Natural Area (1)

Campbell Pond State Wildlife Management Area (3)

Cape Bend State Fish and Wildlife Area (1)

Carlyle Lake Lands and Waters – Corps of Engineers Managed Lands

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Carlyle Lake State Fish and Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season) (3)

Castle Rock State Park (3)

Chain O'Lakes State Park (closed Wednesday through Sunday of pheasant season; opens Monday prior to pheasant season and closes Tuesday following close of pheasant season; reopens December 26 through the close of regular season) (1)

Chauncey Marsh State Natural Area (3)

Clinton Lake State Recreation Area (3)

Coffeen Lake State Fish and Wildlife Area (3)

Copperhead Hollow State Fish and Wildlife Area (3)

Crawford County State Conservation Area (3)

Cypress Pond State Natural Area (1)

Deer Pond State Natural Area (1)

Devil's Island State Fish and Wildlife Area

Dixon Springs State Park (1)

Dog Island State Wildlife Management Area (3)

Eagle Creek State Park (3)

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) (1)

Ferne Clyffe State Park (1)

Flag Pond State Natural Area (3)

Fort de Chartres State Historic Site

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- * Fort Kaskaskia State Historic Site (opens November 1) (1)
- Fort Massac State Park (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) (1)
- Franklin Creek State Park (hunting in designated area only) (3)
- French Bluff State Natural Area (3)
- Giant City State Park (1)
- Green River State Wildlife Area (3)
- Hamilton County State Conservation Area (3)
- Hanover Bluff State Natural Area (3)
- Harry "Babe" Woodyard State Natural Area (3)
- Hennepin Canal Parkway (open only to hunters with valid site deer permit and a valid archery turkey permit) (2)
- Horseshoe Lake State Conservation Area (Alexander County) (controlled goose hunting area closed 7 days prior to Quota Zone goose season through the close of the Quota Zone goose season; remainder of the public hunting area open during the statewide season) (1)
(2)
- * Horseshoe Lake State Park ([Madison County](#)) – Gabaret, Mosenthein and Chouteau Island Units (~~[Madison County](#)~~)(2)
- Iroquois County State Wildlife Area (3)
- Jim Edgar Panther Creek State Fish and Wildlife Area (3)
- Johnson-Sauk Trail State Park (closed Wednesday through Sunday during site's pheasant permit season) (3)

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Jubilee College State Park (1)

Kaskaskia River State Fish and Wildlife Area (no hunting within 50 yards of the Baldwin Lake Waterfowl Rest Area's main north-south road; this defined waterfowl rest area is closed until the Columbus Day holiday) (1 – except south of Highway 154 and north of Highway 13)

Kickapoo State Recreation Area (3)

Kinkaid Lake State Fish and Wildlife Area

Kishwaukee River State Fish and Wildlife Area (3)

Lowden-Miller State Forest (1)

Mackinaw River State Fish and Wildlife Area (3)

Marseilles State Fish and Wildlife Area (fall archery turkey season closes the first Thursday after January 10; closed Friday, Saturday, and Sunday in October; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots) (1)

Marshall State Fish and Wildlife Area (Duck Ranch Unit closed 7 days prior to the duck season through the close of duck season) (3)

Mautino State Fish and Wildlife Area (3)

Meeker State Habitat Area (3)

Mermet Lake State Fish and Wildlife Area (3)

Middle Fork State Fish and Wildlife Area (3)

Mississippi Palisades State Park (3)

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

Mississippi River Pools 16, 17 and 18

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Mississippi River Pools 21, 22 and 24

Moraine View State Park (closed Wednesday through Sunday during site's controlled pheasant season) (3)

* Mt. Vernon Propagation Center (1)

Nauvoo State Park (Max Rowe Unit only) (3)

Newton Lake State Fish and Wildlife Area (3)

Oakford State Conservation Area

Peabody River King State Fish and Wildlife Area (east subunit closed November 1) (1)

Pere Marquette State Park ([area east of Graham Hollow Road](#)) (3)

[Pere Marquette State Park – Group Camp Area](#) (2)

Pyramid State Park (3)

Pyramid State Park – East Conant Unit (3)

Rall Woods State Natural Area (3)

* Ramsey Lake State Park (3)

* Randolph County State Conservation Area

Rauchfuss Hill State Recreation Area (3)

Ray Norbut State Fish and Wildlife Area (3)

* [Ray Norbut State Fish and Wildlife Area – Dutch Creek Unit](#) (3)

[Ray Norbut State Fish and Wildlife Area – East Hannibal Unit](#)

Red Hills State Park (3)

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- * Rend Lake Project Lands and Waters
 - Sahara Woods State Fish and Wildlife Area (3)
 - Saline County State Conservation Area (3)
- * Sam Dale Lake State Fish and Wildlife Area (3)
- * Sam Parr State Fish and Wildlife Area (3)
 - Sand Ridge State Forest (3)
 - Sandy Ford State Natural Area (1)
 - Sanganois State Fish and Wildlife Area (3)
- * Sangchris Lake State Park (site will be closed to archery deer and turkey hunting during the second firearm deer season) (3)
- * Shabbona Lake State Park (3)
 - Shelbyville Lake – Corps of Engineers Managed Lands
 - Shelbyville State Fish and Wildlife Management Area (3)
 - Sielbeck Forest State Natural Area (3)
 - Siloam Springs State Park (3)
- * Siloam Springs State Park – Buckhorn Unit (resident hunters only) (3)
 - Skinner Farm State Habitat Area (3)
- * South Shore State Park (1)
 - Spoon River State Forest (3)
- * Spring Lake State Fish and Wildlife Area (3)

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Starved Rock State Park/Matthiessen State Park (no turkey hunting in the nature preserves; open only in areas where archery deer hunting is allowed other than nature preserves; must have valid archery deer permit in possession to hunt turkeys; open concurrent with site archery deer season) (1)

* Stephen A. Forbes State Park (3)

Tapley Woods State Natural Area (3)

Ten Mile Creek State Fish and Wildlife Area (3)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area

Union County State Conservation Area (~~Fire Line Unit open throughout statewide season; Controlled Hunting Area open firing line unit — Statewide season, Public Hunting Area~~ October 1 through October 31, ~~reopens with the close of the Quota Zone goose season~~) (1)

* Washington County State Conservation Area (1)

Wayne Fitzgerald State Park (no hunting during controlled hunts as posted at the site) (1)

Weinberg-King State Park (3)

Weinberg-King State Park – Cecil White Unit (3)

Weinberg-King State Park – Scripps Unit (resident hunters only) (3)

Weinberg-King State Park – Spunky Bottoms Unit (resident hunters only) (3)

Wildcat Hollow State Forest (3)

Winston Tunnel State Natural Area (3)

Wise Ridge State Natural Area

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Witkowsky State Wildlife Area (opens October 15) (3)

(Source: Amended at 39 Ill. Reg. 10997, effective July 27, 2015)

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

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
730.20	Amendment
730.40	Amendment
- 4) Statutory Authority: Sections 1.3 and 1.4 of the Wildlife Code [520 ILCS 5/1.3 and 1.4]
- 5) Effective Date of Rules: July 27, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: April 3, 2015, 39 Ill. Reg. 4774
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

Section 730.20(b)(2), "Anderson Lake Conservation Area", "Clinton Lake State Recreation Area", "Horseshoe Lake Conservation Area", "State" has been added before "Conservation"; "Burning Star State Fish and Wildlife Area" has been deleted;

Section 730.20(c), "Campbell Pond Wildlife Management Area" and "Dog Island Wildlife Management Area", "State" has been added before "Wildlife"; "Oakford Conservation Area" and "Sangamon County Conservation Area", "State" has been added before "Conservation"; and "Sielbeck Forest Natural Area", "State" has been added before "Natural".

Section 730.20(d), "Iroquois County Wildlife Management Area", "State" has been added before "Wildlife".

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Section 730.20(e), "Anderson Lake Conservation Area", "Washington County Conservation Area", "State" has been added before "Conservation"; "Burning Star State Fish and Wildlife Area" has been deleted; "Newton Lake Fish and Wildlife Area", "State" has been added after "Lake".

Section 730.20(h), "Newton Lake Fish and Wildlife Area", "State" has been added after "Lake".

Section 730.20(j)(3), "Des Plains Conservation Area", "State" has been added before "Conservation"; "Mackinaw River State Fish and Wildlife Area", "Fish and Wildlife" has been stricken and "Recreation" has been added.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part has been amended to open and close State-owned or -managed sites and amend procedures at State sites.
- 16) Information and questions regarding these adopted rules shall be directed to:

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

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

Section

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

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

SOURCE: Adopted at 5 Ill. Reg. 8792, effective August 25, 1981; codified at 5 Ill. Reg. 10644; amended at 6 Ill. Reg. 9631, effective July 21, 1982; emergency amendment at 6 Ill. Reg. 10040, effective August 2, 1982, for a maximum of 150 days; emergency expired December 30, 1982; amended at 7 Ill. Reg. 10767, effective August 24, 1983; emergency amendment at 7 Ill. Reg. 10999, effective August 24, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 13680, effective July 25, 1984; amended at 9 Ill. Reg. 11601, effective July 16, 1985; emergency amendment at 9 Ill. Reg. 14025, effective September 4, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 15590, effective September 16, 1986; amended at 11 Ill. Reg. 9526, effective May 5, 1987; amended at 11 Ill. Reg. 11346, effective June 10, 1987; amended at 12 Ill. Reg. 12186, effective July 15, 1988; amended at 13 Ill. Reg. 10513, effective June 15, 1989; amended at 14 Ill. Reg. 11193, effective June 29, 1990; amended at 15 Ill. Reg. 9951, effective June 24, 1991; amended at 16 Ill. Reg. 11041, effective June 30, 1992; amended at 17 Ill. Reg. 10761, effective July 1, 1993; amended at 18 Ill. Reg. 10009, effective June 21, 1994; amended at 19 Ill. Reg. 10588, effective July 1, 1995; amended at 20 Ill. Reg. 10861, effective August 5, 1996; amended at 21 Ill. Reg. 11700, effective August 12, 1997; amended at 22 Ill. Reg. 14792, effective August 3, 1998; amended at 23 Ill. Reg. 9043, effective July 28, 1999; amended at 24 Ill. Reg. 8911, effective June 19, 2000; amended at 25 Ill. Reg. 11373, effective August 14, 2001; amended at 26 Ill. Reg. 13590, effective September 3, 2002; amended at 27 Ill. Reg. 12666, effective July 21, 2003; amended at 28 Ill. Reg. 12865, effective September 1, 2004; amended at 29 Ill. Reg. 9797, effective June 24, 2005; amended at 30 Ill. Reg. 12251, effective June 28, 2006; amended at 31 Ill. Reg. 11738, effective July 27, 2007; amended at 32 Ill. Reg. 14857, effective August 27, 2008; amended at 33 Ill. Reg. 9702, effective June 26, 2009;

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amended at 34 Ill. Reg. 12831, effective August 20, 2010; amended at 35 Ill. Reg. 13234, effective July 26, 2011; amended at 37 Ill. Reg. 20717, effective December 12, 2013; amended at 39 Ill. Reg. 11014, effective July 27, 2015.

Section 730.20 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) General Regulations
 - 1) Hunters shall possess only bismuth or lead shot size #7½, #8 or #9 or size #6 steel or smaller for taking of doves, except as noted under subsection (b)(2), and except these restrictions do not apply during the November portion of dove season.
 - 2) Only non-toxic shot (as defined by the U.S. Fish and Wildlife Service in 50 CFR 20), #6 steel shot or #7½ bismuth shot or smaller may be possessed on the following areas:
 - Anderson Lake [State](#) Conservation Area
 - Banner Marsh State Fish and Wildlife Area
 - Big Bend State Fish and Wildlife Area (#)
 - [Big River State Forest](#)
 - Cache River State Natural Area
 - Cape Bend State Fish and Wildlife Area
 - Carlyle Lake State Fish and Wildlife Area (~~subimpoundments only~~)
 - Chain O'Lakes State Park
 - Clinton Lake State Recreation Area (dove management fields only)
 - Des Plaines [State](#) Conservation Area

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Double T State Fish and Wildlife Area

Eldon Hazlet State Park ~~(#)~~

Green River State Wildlife Area

Hennepin Canal Parkway State Park

Horseshoe Lake [State](#) Conservation Area (Alexander County)

Horseshoe Lake State Park (Madison County) ~~(#)~~

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

Johnson-Sauk Trail State Park

Jubilee College State Park

Kankakee River State Park ~~(#)~~

Kaskaskia River State Fish and Wildlife Area (designated areas)

Mackinaw River State Fish and Wildlife Area

Marshall State Fish and Wildlife Area ~~(#)~~

Matthiessen State Park

Mautino State Fish and Wildlife Area

~~Mazonia State Fish and Wildlife Area (#)~~

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

Moraine View State Park

Mt. Vernon Game Propagation Center ~~(#)~~

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Peabody River King State Fish and Wildlife Area

Pyramid State Park – Captain Unit

Pyramid State Park – Denmark Unit

Pyramid State Park – East Conant Unit

Pyramid State Park – Galum Unit

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

Rice Lake State Fish and Wildlife Area

Sam Parr State Fish and Wildlife Area ~~(#)~~

Sand Prairie Pheasant Habitat Area

Sanganois State Fish and Wildlife Area

Sangchris Lake State Park

Shabbona Lake State Park

Shelbyville State Fish and Wildlife Area (waterfowl management units and designated non-toxic shot units only) ~~(1)~~

Silver Springs State Fish and Wildlife Area

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

Spoon River State Forest

[Starved Rock State Park](#)

[Stephen A. Forbes State Recreation Area](#)

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

Union County [State Fish and Wildlife Conservation](#) Area

- 3) On areas where hunters are required to hunt from marked or staked sites, hunters must hunt within 10 feet of the marked site.
 - 4) No hunting is allowed within 100 yards of a designated dove management field except for hunters who are part of the hunter quota for that field.
 - 5) At sites indicated by (#), hunters are required to check in and/or sign out as provided in 17 Ill. Adm. Code 510. Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by (1).
 - 6) At sites where additional regulations apply, they are noted in parentheses after the site name.
 - 7) Hunting hours and hunting dates at all sites that are open during the upland game season shall coincide with hunting hours and hunting dates listed for the respective sites listed in 17 Ill. Adm. Code 530.
- c) Statewide season regulations as provided for in this rule shall apply at the following sites:

Argyle Lake State Park (season opens day after Labor Day) (1)

Cache River State Natural Area (#)

Campbell Pond [State](#) Wildlife Management Area (1)

Cape Bend State Fish and Wildlife Area (#)

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

[Carlyle Lake State Fish and Wildlife Area \(1\)](#)

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Chauncey Marsh State Natural Area (permit required; may be obtained at Red Hills State Park headquarters; permits must be returned by 15 February)

Corps of Engineers managed areas of Rend Lake

Cypress Pond State Natural Area (#)

Deer Pond State Natural Area (#)

Devil's Island State Fish and Wildlife Area

Dog Island [State](#) Wildlife Management Area (1)

Ferne Clyffe State Park (#)

Ft. de Chartres State Historic Site (muzzleloading shotgun only) (#)

Ft. Massac State Park (1)

Freeman Mine (permit required)

[Giant City State Park](#) (#)

Marshall State Fish and Wildlife Area (1)

~~[Mazonia State Fish and Wildlife Area \(season closes September 30\)](#)~~ (#)

Meeker State Habitat Area (1)

Mermet Lake State Fish and Wildlife Area (1)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22, 24

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

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Nauvoo State Park – Max Rowe Unit (1)

Oakford [State](#) Conservation Area

Ray Norbut State Fish and Wildlife Area (1)

Red Hills State Park (1)

Sahara Woods State Fish and Wildlife Area (1)

Sand Ridge State Forest ([season open from opening day of dove season through October 31](#)) (1)~~permit required; must be returned by February 15~~)

Sangamon County [State](#) Conservation Area

[Sanganois State Fish and Wildlife Area \(1\)](#)

Sielbeck Forest [State](#) Natural Area (1)

[Siloam Springs State Park \(1\)](#)

[Siloam Springs State Park – Buckhorn Unit \(1\)](#)

Spoon River State Forest (1)

Trail of Tears State Forest (#)

[Union County State Fish and Wildlife Area – Controlled Hunting Area \(shooting hours from noon to 5 p.m., September 1-5 and sunrise to sunset from September 6-October 28\)](#) (#)

[Weinberg-King State Park \(1\)](#)

Weinberg-King State Park – Scripps and Spunky Bottoms Units (1)

Wildcat Hollow State Forest (1)

Wise Ridge State Natural Area

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

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

Double T State Fish and Wildlife Area (sunrise to noon daily September 1-5, drawing one hour before sunrise) (#)

Hennepin Canal State Park (#)

Iroquois County [State](#) Wildlife Management Area (1)

Jubilee College State Park (hunting allowed only on opening day, Saturdays, Sundays, Wednesdays and holidays) (#)

Mautino State Fish and Wildlife Area (#)

Morrison Rockwood State Park (#)

Rice Lake State Fish and Wildlife Area (sunrise to noon daily September 1-5, drawing one hour before sunrise) (#)

Sam Dale Lake State Fish and Wildlife Area (1)

~~Sanganois State Fish and Wildlife Area~~

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

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

Anderson Lake [State](#) Conservation Area (#)

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Big River State Forest (1)

~~Carlyle Lake State Fish and Wildlife Area (1)~~

Chain O'Lakes State Park (closes September 5)

Clinton Lake State Recreation Area (dove management fields only) (1)

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

Fox Ridge State Park (dove management fields only)

Harry "Babe" Woodyard State Natural Area (permit required) (1)

Hidden Springs State Forest (dove management fields only) (1)

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

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closes October 14; the defined Baldwin Lake Waterfowl Rest Area is closed) (#)

Kinkaid State Fish and Wildlife Area (#)

Marseilles State Fish and Wildlife Area (after Labor Day, site is closed on Fridays, Saturdays, and Sundays through October; hunters must leave their guns at the stake site when retrieving downed birds; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots) (#)

Middle Fork State Fish and Wildlife Area (dove management fields only) (1)

Moraine View State Park (dove management fields only; season closes October 14) (1)

Newton Lake [State](#) Fish and Wildlife Area (dove management units) (1)

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Peabody River King State Fish and Wildlife Area (East Subunit closes October 14) (#)

Pyramid State Park (permit required; permit must be returned by February 15; no dove hunting is allowed September 1-5 within 200 yards of a designated dove management field, except for hunters who are part of the hunter quota for that field; all hunters must register as a group not to exceed 4 names per card; a hunter's name may only appear on one lottery card; the lottery card shall be in the possession of the hunter or group while hunting) (1)

Pyramid State Park – Captain Unit (permit required; permit must be returned by February 15; ~~successful lottery participants must report their daily harvest during September 1-5 in harvest boxes on each management unit;~~ unsuccessful lottery participants and other hunters not participating in the lottery drawing may only hunt in designated areas during September 1-5 (i.e., all land west of the Western Haul Road and all land east of the Eastern Haul Road to the shore of Super Lake to South Haul Road); all hunters must register as a group not to exceed 4 names per card; a hunter's name may only appear on one lottery card; the lottery card shall be in the possession of the hunter or group while hunting) (1)

Pyramid State Park – Denmark Unit (permit required; permit must be returned by February 15; ~~successful lottery participants must report their daily harvest during September 1-5 in harvest boxes on each management unit;~~ unsuccessful lottery participants and other hunters not participating in the lottery drawing may only hunt in designated areas during September 1-5 (i.e., all land south of Quonset Hut Road to Tangen Cemetery Road to Brushy Creek Road); all hunters must register as a group not to exceed 4 names per card; a hunter's name may only appear on one lottery card; the lottery card shall be in the possession of the hunter or group while hunting) (1)

Pyramid State Park – East Conant Unit (permit required; permit must be returned by February 15; ~~successful lottery participants must report their daily harvest during September 1-5 in harvest boxes on each management unit;~~ no dove hunting is allowed September 1-5 within 200 yards of a designated dove management field except for hunters who are part of the

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hunter quota for that field; all hunters must register as a group not to exceed 4 names per card; a hunter's name may only appear on one lottery card; the lottery card shall be in the possession of the hunter or group while hunting) (1)

Pyramid State Park – Galum Unit (permit required; permit must be returned by February 15; ~~successful lottery participants must report their daily harvest during September 1-5 in harvest boxes on each management unit;~~ no dove hunting is allowed September 1-5 within 200 yards of a designated dove management field except for hunters who are part of the hunter quota for that field; all hunters must register as a group not to exceed 4 names per card; a hunter's name may only appear on one lottery card; the lottery card shall be in the possession of the hunter or group while hunting) (1)

Randolph County State Conservation Area (#)

~~Shelbyville State Fish and Wildlife Area (dove management fields only)
(1)~~

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

Turkey Bluffs State Fish and Wildlife Area (#)

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

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

~~Weinberg King State Park (1)~~

World Shooting and Recreation Complex (designated dove management fields only) (#)

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

Crawford County State Fish and Wildlife Area (#)

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Hamilton County State Fish and Wildlife Area (1)

Lake Le Aqua Na State Park (#)

Sam Parr State Fish and Wildlife Area (1)

Shabbona Lake State Park (1)

Skinner Farm State Habitat Area (#)

Stephen A. Forbes State Recreation Area (season opens day after Labor Day) (1)

- g) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily. Hunting is allowed on opening day, Wednesday, and Saturday only. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

~~Giant City State Park (#)~~

Saline County State Fish and Wildlife Area (1)

- h) Statewide regulations apply except that hunting hours are 12 noon to 5 p.m. from September 1-5; hunters must obtain a free permit from the Department; permits must be in possession while hunting on the site. Permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following season.

Clinton Lake State Recreation Area (except dove management fields) (1)

Fox Ridge State Park (except dove management units; shooting hours after September 5 are 12 noon to sunset) (1)

Hidden Springs State Forest (except dove management fields) (1)

Kickapoo State Recreation Area (1)

Lake Shelbyville – Eagle Creek State Park (season opens day after Labor

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Day; closes October 14; shooting hours are 12 noon to sunset) (1)

~~Lake Shelbyville—Kaskaskia and West Okaw Wildlife Management Areas (hunters must hunt from designated stakes within dove management fields, with a maximum of 2 hunters per stake; shooting hours after September 5 are 12 noon to sunset) (1)~~

Middle Fork State Fish and Wildlife Area (except dove management units) (1)

Moraine View State Park (except dove management fields; season closes October 14) (1)

Newton Lake State Fish and Wildlife Area (except dove management units) (1)

Shelbyville State Fish and Wildlife Area (hunters must hunt from designated stakes within dove management fields, with a maximum of 2 hunters per stake) (1)

Shelbyville State Fish and Wildlife Area – Kaskaskia and West Okaw Wildlife Management Areas (hunters must hunt from designated stakes within dove management fields, with a maximum of 2 hunters per stake) (1)

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

~~Johnson-Sauk Trail State Recreation Area (#)~~

Mt. Vernon Game Propagation Center (#)

Ramsey Lake State Park (1)

Rend Lake State Fish and Wildlife Area (#)

Ten Mile Creek State Fish and Wildlife Area (season closes on statewide

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closing date) (1)

j) Permit Areas

1) Permit Season Regulations

- A) Permit season dates shall be September 1-5 and hunting hours are 12 noon to 5 p.m. at the sites listed at the end of this subsection.
- B) Permit Applications
Permit applications will be accepted starting in June. Initial acceptance dates and methods for making applications will be publicly announced. A hunter can obtain up to 2 dove permits as follows: Only applications submitted by Illinois residents will be processed during the first lottery to apply for up to one dove permit. Non-residents and residents who did not receive a permit or did not apply in the first lottery will be eligible to participate in the second lottery to apply for their first dove permit. Residents will have priority in the 2nd lottery. Residents and non-residents can apply for a 2nd permit during the phone-in reservation period to be held after the lottery. Successful applicants will be sent confirmation via email or can access the Reservation Inquiry System to see if they were awarded a permit.
- C) Drawings for permits at specific sites may be canceled at any time due to flooding, inclement weather, staff shortages or other adverse conditions beyond the Department's control. Hunters are urged to select a second choice of sites on their permit application.
- D) Permits are not transferrable.
- E) Permits will be issued from the Springfield Permit Office for permit controlled sites. For other information, go to www.dnr.illinois.gov.
- F) Hunting at these areas is by special permit only for the first five days of the season; thereafter, no permits are required for hunting these sites, except at Jim Edgar Panther Creek State Fish and Wildlife Area as indicated in subsection (j)(3). All permits will be

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issued from Springfield and not from the site, except at Panther Creek State Fish and Wildlife Area as indicated in subsection (j)(3).

- G) Check in time for registration shall be between 9 a.m. and 11 a.m. each day. Openings after 11 a.m. will be filled by drawing for standbys if more hunters register than there are vacancies.
 - H) All hunters must wear a DNR issued backpatch.
- 2) Non-Permit Season Regulations
- A) Non-permit season shall be September 6-30 except as indicated in parentheses.
 - B) Non-permit hunting hours shall be 12 noon to sunset except as indicated in parentheses.
 - C) No permits are required except as indicated in parentheses.
 - D) Check in and check out is required except as indicated in parentheses.
 - E) Hunter quotas will be filled on a first come-first served basis.
- 3) Sites

Big Bend State Fish and Wildlife Area

Coffeen Lake State Fish and Wildlife Area (non-permit hunting hours are 12 noon to 5:00 p.m.)

Des Plaines [State](#) Conservation Area

Edward R. Madigan State Park

Green River State Wildlife Area/Sand Prairie Habitat Area (non-permit hunting hours are sunrise to sunset) (1)

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Horseshoe Lake State Park (Madison County) (non-permit hunting hours are 12 noon to 5 p.m.)

Horseshoe Lake State Park (Madison County) Gabaret, Mosenthein, Chouteau Island Unit (non-permit hunting hours are 12 noon to 5:00 p.m. September 6 through October 14)

Jim Edgar Panther Creek State Fish and Wildlife Area (for days 6 through 10 of the season, hunting hours are noon to 6:00 p.m. and hunters must check in and out at the site office; permit required as indicated in subsection (i) for days 11 through the end of the statewide dove season; hunting hours for days 11 through the end of the statewide dove season are sunrise to sunset; on the Controlled Unit only those hunters engaged in the controlled pheasant hunting program may take doves during the November portion of the dove season; on the Quail Management Unit only those hunters with Quail Management Unit Permits may take doves during the November portion of the dove season)

[Johnson Sauk Trail State Park \(permit hunting hours are noon to 5:00 p.m.\)](#)

Kankakee River State Park

Mackinaw River State ~~Recreation Fish and Wildlife~~ Area (non-permit hunting hours sunrise to sunset; each permit authorizes the holder to bring one hunting partner) (1)

Matthiessen State Park

~~[Ramsey Lake State Park \(non-permit hunting hours are 12 noon to 5 p.m.\)](#)~~

Sangchris Lake State Park (closed after Sunday of the third weekend in September; designated fields will be open from sunrise to 12 noon starting the 6th day of the dove season)

Silver Springs State Park (closed during National Hunting and Fishing Day Weekend)

[Snakeden Hollow State Fish and Wildlife Area/Victoria Pheasant Habitat](#)

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AreaStarved Rock State Park

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

(Source: Amended at 39 Ill. Reg. 11014, effective July 27, 2015)

Section 730.40 Youth Dove Hunting

- a) A one-day Youth Dove Hunt will be held the first weekend day in September or Labor Day, whichever comes first, at the following sites:

Horseshoe Lake State Park (Madison County)

Stephen A. Forbes State Park

- b) A one-day youth/adult dove hunt will be held the first weekend day in September or Labor Day, whichever comes first, where both the youth and adult will be permitted to hunt at the following sites:

Jubilee College State Park

Kankakee River State Park

Mackinaw River State Fish and Wildlife Area (only nontoxic shot, as defined by the U.S. Fish and Wildlife Service in 50 CFR 20, #6 steel shot or #7½ bismuth shot or smaller may be possessed)

Mt. Vernon Game Farm

Ramsey Lake State Park

Sam Parr State Fish and Wildlife Area

Sangchris Lake State Park

Silver Springs State Fish and Wildlife Area

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- c) Hunting hours are from 12:00 p.m. to 5:00 p.m. Check-in time is from 10:00 a.m. to 11:00 a.m.
- d) Hunter quota will be announced by public news release. Hunter quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; and the number of employees available to work at the site.
- e) All hunters must have a hunting permit and wear a back patch while hunting. Stand-by permits will be available at the site by lottery drawing if vacancies occur.
- f) Applicants must be between the ages of 10-15 inclusive, with a valid Illinois hunting license.
- g) Each youth must be accompanied by a supervising adult. If the hunter does not have a valid Firearm Owner's Identification (FOID) card, the supervising adult is required to have a FOID card. Only one supervising adult in a hunting party is required to have a valid FOID card if the hunters in the hunting party stay under the immediate control (accompany youth hunters at all times) of the supervising adult possessing the valid FOID card. All adult hunters must have a valid FOID card. The supervising adults shall be criminally liable for the actions of the youth in the hunting party and be subject to the criminal penalties provided by law.
- h) Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.
- i) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.18).

(Source: Amended at 39 Ill. Reg. 11014, effective July 27, 2015)

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- 1) Heading of the Part: Commercial Fishing and Musseling in Certain Waters of the State
- 2) Code Citation: 17 Ill. Adm. Code 830
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
830.5	Amendment
830.11	New Section
830.12	New Section
830.13	Amendment
830.14	New Section
830.25	New Section
830.40	Amendment
830.60	Amendment
830.80	Amendment
830.90	Amendment
- 4) Statutory Authority: Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5]
- 5) Effective Date of Rules: July 22, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: April 3, 2015, 39 Ill. Reg. 4810
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version:

In Section 830.5(i), ". No further" has been changed to ", with no later"; "includes" has been changed to "included".

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In Section 830.5(l), at the end of the paragraph, "(see 17 Ill. Adm. Code 875.40)"/

In Section 830.5(m), ", 12, rue de Prony 75017 Paris, France or at <http://www.oie.int>" has been added before the period.

In Section 830.5(p)(1), "or" has been changed to "and".

In Section 830.5(q), "an administrative rule" has been changed to "this Part".

In Section 830.11, "Permit (permit)" has been changed to "(see 17 Ill. Adm. Code 875.50(b))".

In Section 830.11(b)(1) and (2), change "permits" and "permit" to "Authorization".

In Section 830.12(a)(1), "as defined" has been changed to ". Transportation of dead fish is allowed if the fish meet the definition of "dead fish"" and "(p)" has been added after "830.5"; In subsection (a)(2), "under a Restricted Species Transportation Permit (RSTP)" has been added after "transported" and "in" has been added after "or"; "a Restricted" has been changed to "an RSTP (see 17 Ill. Adm. Code 870.60)"; the last sentence has been changed to read "An RSTP can be obtained at the address in Section 830.11(b)." and the address has been deleted.

In Section 830.12(b), "Restricted Species Transportation Permit" has been changed to "RSTP".

In Section 830.12(c)(1), "15 miles" has been changed to "a 15 mile radius of the crib".

In Section 830.14(e), "commercial" has been added before "watercraft".

In Section 830.14(e)(6), "lock" has been changed to "locks".

Section 830.25(a), "make" has been changed to "submit an"; "for a license which" has been changed to "that".

Section 830.25(d), "(see 17 Ill. Adm. Code 2530)" has been added after "unlawfully".

Section 830.60 has been added to this rulemaking, subsection (a)(12) has been stricken and (a)(13) through (a)(18) has been relabeled as "(12)" through "(17)".

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Section 830.80(b), the comma after "21" and ", 2004)(no incorporation in this Part includes later amendments or editions))" has been stricken and "(2014))" has been added.

Section 830.80(i), "may" has been deleted and "will" has been reinstated; subsection (i)(17), (18), (19) and (20), "- Maximum of 1 Special Use Permit" has been added after "Lake" and "Decatur"; subsection (l) has been deleted.

- 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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part has been amended to add additional definitions, add language stating the lottery drawing for commercial harvest of roe-bearing species will now be a computerized random drawing, update the list of devices that it is unlawful to use, clarify information pertaining to additional public waters open to commercial fishing and musseling, add regulations and list additional sites and to clarify provisions for the Department's refusal to issue licenses under this Part.
- 16) Information and questions regarding these adopted rules shall be directed to:

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

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

PART 830

COMMERCIAL FISHING AND MUSSELING IN CERTAIN WATERS OF THE STATE

Section

830.5	Definitions
830.10	Waters Open to Commercial Harvest of Fish
830.11	Special Regulations for the Commercial Harvest of VHS-Susceptible Fish Species
830.12	Special Regulations for the Commercial Harvest of Bighead Carp, Silver Carp, Grass Carp and Black Carp
830.13	Special Regulations for the Commercial Harvest of Roe-Bearing Species
830.14	License Requirements
830.15	Waters Open to Commercial Harvest of Crayfish
830.20	Waters Open to Commercial Harvest of Mussels and Seasons
830.25	Daily Fee Fishing Area
830.30	Special Regulations
830.40	Devices
830.50	Permission
830.60	Species
830.70	Size Limit
830.80	Commercial Fishing and Musseling in Additional Waters
830.90	Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals and Reporting Requirements

AUTHORITY: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5].

SOURCE: Adopted at 5 Ill. Reg. 6809, effective June 16, 1981; codified at 5 Ill. Reg. 10648; emergency amendment at 6 Ill. Reg. 6468, effective May 18, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 10680, effective August 20, 1982; amended at 7 Ill. Reg. 2707, effective March 2, 1983; amended at 10 Ill. Reg. 6926, effective April 15, 1986; amended at 11 Ill. Reg. 9513, effective May 5, 1987; amended at 12 Ill. Reg. 11714, effective June 30, 1988; amended at 15 Ill. Reg. 8544, effective May 24, 1991; amended at 16 Ill. Reg. 5257, effective March 20, 1992; amended at 17 Ill. Reg. 3177, effective March 2, 1993; emergency amendments at 18 Ill. Reg. 4671, effective March 14, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 9985,

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effective June 21, 1994; amended at 19 Ill. Reg. 5250, effective March 27, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 4700, effective April 1, 1997; amended at 22 Ill. Reg. 6697, effective March 30, 1998; amended at 24 Ill. Reg. 4945, effective March 13, 2000; amended at 29 Ill. Reg. 6277, effective April 25, 2005; amended at 31 Ill. Reg. 13187, effective August 30, 2007; amended at 34 Ill. Reg. 2938, effective February 19, 2010; emergency amendment at 34 Ill. Reg. 15884, effective October 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 4187, effective February 22, 2011; amended at 36 Ill. Reg. 11161, effective July 3, 2012; amended at 36 Ill. Reg. 12120, effective July 16, 2012; emergency amendment at 37 Ill. Reg. 19912, effective December 2, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 9043, effective April 14, 2014; amended at 39 Ill. Reg. 11034, effective July 22, 2015.

Section 830.5 Definitions

- a) A relic (dead) mussel shell is defined as one which apparently died of natural causes within the water and contains no meat or soft parts; it readily exhibits noticeable sediment, vegetation, algal or mineral stains, discolorations, soiling, weathering or other visual evidence on its interior surface which clearly and unambiguously shows the mussel shell has not been cooked-out or freshly cleaned.
- b) A legal size mussel for a particular species is defined as a mussel size as set out in Section 830.70 which will not pass through a minimum harvest size circle cutout in a metal plate.
- c) Basket dredge – mussel harvesting device consisting of a heavy metal box or square which collects the shells in a net or wire cage, weighs over 70 pounds, and is not operated by hand as described in subsection (e).
- d) Hand dredge (hand rake, hand powered rake) – mussel harvesting device weighing less than 70 pounds consisting of a metal frame having coarse teeth on the bottom to which a bag constructed of wire mesh or netting material is attached and fastened by a line to a boom attached to the bow of the boat and held on the bottom by means of a long handle.
- e) Hand fork – mussel harvesting device similar in appearance to a common cornfork and utilized while wading.

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- f) Mechanical devices – refers to dredges and suction devices operated by motorized (internal combustion or electrical) power used in the actual harvest of mussels and does not refer to the manner in which the mussel harvest device is raised into the boat or the device used in propelling the boat.
- g) Commercial fishing – includes the commercial harvest of both legal fish and legal crayfish.
- h) Bar mesh measure – all net mesh measurements shall be determined by bar measure from the outside of one knot to the inside of the adjoining knot on the same thread or strand.
- i) Blue Book – Suggested Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens, American Fisheries Society, Fish Health Section, 5410 Grosvenor Lane, Bethesda, Maryland 20814 (2010 Edition), with no later amendments or editions included.
- j) Daily fee fishing area – any privately owned water area that is controlled, operated or managed for fishing and utilized by persons who pay a daily fee, either directly or indirectly; water bodies that are controlled, operated or managed as private club lakes, organizational lakes or lake developments are not eligible to receive a daily fee fishing area license.
- k) Commercial fishermen – any individual who uses any of the commercial fishing devices, as defined by Section 15-15 of the Fish and Aquatic Life Code (Code) [515 ILCS 5 15-15], for the taking of any aquatic life, except mussels, protected by the terms of the Code.
- l) Fish Health Inspection Report or FHIR – official document reporting health status of inspected fish issued by a trained, qualified fish health professional in accordance with Blue Book or OIE standards (see 17 Ill. Adm. Code 875.40).
- m) OIE – the World Organization for Animal Health, 12, rue de Prony 75017 Paris, France or at <http://www.oie.int>.
- n) Lot – a population of fish as defined in the Blue Book.
- o) Live fish – fish will be considered live if one of the following is met:

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- 1) they are being held in any type of container with water; or
 - 2) they are being held in any solution of salt, electrolyte, other substance, or combinations of these substances, used to promote health or longevity; or
 - 3) they are being maintained by addition of oxygen, or compressed or supplied air, for purposes of preserving health during captivity.
- p) Dead fish – fish will be considered dead if one of the following is met:
- 1) they are packed on ice only while directly en route to a fish market or processor (addition of water to iced and packed fish is not permitted);
 - 2) dry (in box, barrel, crate, etc.) while directly en route to a fish market or processor;
 - 3) the isthmus has been severed;
 - 4) the gills have been removed; or
 - 5) the fish have been eviscerated.
- q) Roe-bearing species – roe-bearing species means sturgeon, paddlefish, bowfin, and any other fish listed as such by the Department in this Part.

(Source: Amended at 39 Ill. Reg. 11034, effective July 22, 2015)

Section 830.11 Special Regulations for the Commercial Harvest of VHS-Susceptible Fish Species

- a) Commercial fishermen shall be allowed to harvest and transport live, to a State-licensed wholesale aquatic life dealer, any permitted commercial species identified in Section 830.60 and also listed under the USDA-APHIS federal order (www.aphis.usda.gov/focusonfish/species-affected.php).
- b) Commercial fishermen who wish to transport viral hemorrhagic septicemia (VHS)-susceptible fish species for live stocking into water bodies that are entirely privately owned must first procure a Special Circumstances Authorization (see 17 Ill. Adm. Code 875.50(b)), pursuant to 17 Ill. Adm. Code 875, by writing to:

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Aquaculture Specialist, Illinois Department of Natural Resources, Aquatic Nuisance Species and Aquaculture Program, One Natural Resources Way, Springfield IL 62702-1271 and be subject to the following conditions:

- 1) Commercial fishermen must have their Authorization in their possession at all times while transporting VHS-susceptible species; and
- 2) All of the following information shall be documented on the back of the Authorization:
 - A) date of catch;
 - B) date of transport;
 - C) location fish caught;
 - D) destination address; and
 - E) private landowner's signature.
- c) Commercial fisherman who wish to offer gizzard shad for sale or barter must first procure a Fish Health Inspection Report (FHIR) for every lot of fish, as required by 17 Ill. Adm. Code 875.40. FHIR applies only to the lot of fish tested and approved for sale. Lot number or accession identification number on the FHIR shall be labeled on any fish containers and/or fish products sold.
 - 1) Official FHIR must be issued by and received directly from one of the following entities:
 - A) the State competent authority for fish health;
 - B) a Department-approved veterinarian offering diagnostic services for aquatic animals;
 - C) a Department-approved laboratory for certifying lots of fish as VHS-free.
 - 2) It is the responsibility of the commercial fisherman to arrange for appropriate delivery of the FHIR.

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- 3) The FHIR must contain the commercial fisherman's contact information, lot designation, location where fish were harvested, pathogens tested, number of individuals tested, results and original signature of the inspector.
- 4) The FHIR and supporting documentation must state that the fish were sampled and tested negative for VHS virus in accordance with procedures set forth in either:
 - A) Standard Procedures for Aquatic Animal Health Inspections section of the Blue Book (Suggested Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens); or
 - B) The World Organization for Animal Health (OIE) Manual of Diagnostic Tests for Aquatic Animals, Fifth Edition (2006), Chapter 2.1.5, OIE, Paris, France.
- d) Commercial fishermen are allowed to harvest gizzard shad for use as bait on the waters (river reach or pool) from which they are collected.

(Source: Added at 39 Ill. Reg. 11034, effective July 22, 2015)

Section 830.12 Special Regulations for the Commercial Harvest of Bighead Carp, Silver Carp, Grass Carp and Black Carp

- a) Commercial fishermen shall be allowed to harvest from the wild, and transport to a State-licensed wholesale aquatic life dealer, bighead carp, silver carp, grass carp and black carp, providing all of the following criteria are met:
 - 1) The fish are dead. Transportation of dead fish is allowed if the fish meet the definition of "dead fish" in Section 830.5(p).
 - 2) The fish are not transported under a Restricted Species Transportation Permit (RSTP) (see 17 Ill. Adm. Code 870.60), in an aerated live tank or in any other manner intended to maintain the fish alive unless first obtaining an RSTP. An RSTP can be obtained at the address in Section 830.11(b).

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- b) With a Department approved RSTP, commercial fishermen are allowed to:
- 1) transport live grass carp to a State-licensed slaughter facility or equivalent outside the State of Illinois, providing this facility is not located in the counties of Will, Cook or Lake and that the fish are processed or stored on ice immediately upon arrival at the facility;
 - 2) transport live bighead carp, silver carp, grass carp and black carp directly to a crib (net pen) or State-licensed slaughter facility, provided that the fish are transported not more than a 15 mile radius to or from a crib or facility, or as otherwise designated on the RSTP, and that the fish are processed or stored on ice immediately upon arrival at a slaughter facility.
- c) Asian carp may be held live in a crib (net pen) provided that:
- 1) they are cribbed in the waters where caught (within a 15 mile radius of the crib) and not transported upstream of a lock and dam or other barrier;
 - 2) they are removed within 72 hours;
 - 3) they are killed by one of the methods specified in Section 830.5(p) immediately upon removal from the crib; and
 - 4) all other regulations pertaining to commercial fishing and commercial fishing devices are followed.

(Source: Added at 39 Ill. Reg. 11034, effective July 22, 2015)

Section 830.13 Special Regulations for the Commercial Harvest of Roe-Bearing Species

- a) Shovelnose sturgeon may not be commercially harvested except in the Mississippi River upstream of the Melvin Price Lock and Dam located in Alton (excluding the area from Lock and Dam 19 to the State Highway 9 Bridge in Niota), the Ohio River or the Wabash River. Shovelnose sturgeon may only be commercially harvested from October 1 through May 31 from the Mississippi and Wabash River and from October 15 through May 15 from the Ohio River .
- b) Paddlefish may not be commercially harvested except in the Ohio River, the Illinois River below Route 89, and the Mississippi River below Lock and Dam 19.

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Paddlefish may only be commercially harvested from October 1 through May 31 from the Mississippi and Illinois Rivers. Paddlefish may only be commercially harvested from November 1 through April 30 from the Ohio River.

- c) Shovelnose sturgeon and shovelnose sturgeon X pallid sturgeon hybrids may not be commercially harvested from the Mississippi River downstream of Lock and Dam 26. Pallid sturgeon are federally and State listed endangered fish species that cannot be taken and must be immediately released unharmed back to the water.
- d) All commercial roe harvesters engaged in harvesting of roe-bearing species, including shovelnose sturgeon, paddlefish and bowfin, shall:
 - 1) leave the roe of harvested shovelnose sturgeon, paddlefish and bowfin whole, intact and inside the body cavity of the fish while on the water or adjacent bank. However, the intact ovaries of paddlefish harvested from the Mississippi or Illinois Rivers may be removed while on the water with the carcasses of the fish the ovary is harvested from being retained for identification purposes;
 - 2) after complete retrieval of fishing tackle, commercial fishermen shall immediately remove all aquatic species that are not in compliance with size limits or are illegal species to take or possess and immediately return them without unnecessary injury to the waters from which taken, unless it is unsafe to remove fish where the net was pulled. In such case, fishermen shall immediately move to a shore area no more than ¼ mile from the location where the net was set, and then remove fish not legal for commercial fishermen to take. "Complete retrieval" means as soon as an individual piece of fishing tackle has been retrieved in whole to the fisherman's boat;
 - 3) not kill roe-bearing species to check for eggs. Commercial roe harvesters may use a 10 or 12 gauge needle to examine roe-bearing species for the presence of eggs; and
 - 4) not set any tackle prior to 10:00 a.m. on October 1 on the Mississippi and Wabash Rivers. Any commercial gear that is being operated under a commercial roe harvest permit prior to 10:00 a.m. on the Mississippi or Wabash River shall be considered an illegal device.

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- e) Commercial Roe Permit
- 1) Commercial Roe Harvest Permits shall be valid only on the water specified on the permit: the Mississippi River, the Illinois River, the Ohio River or the Wabash River. The Mississippi River will be further divided into two zones, from Lock and Dam 26 upstream to the Wisconsin border (Northern Zone) and from Lock and Dam 26 downstream to the mouth of the Ohio River (Southern Zone).
 - 2) Commercial fishermen will be allowed to procure permits for additional water bodies at the same commercial roe harvest permit rate as the first permit, based on availability.
 - 3) Commercial Roe Harvest Permit holders shall provide an up-to-date listing of all helpers to IDNR on a form provided by IDNR (at the beginning of the commercial season prior to initiation of fishing activities and immediately during the commercial fishing season for any helper changes prior to initiation of fishing activities). An up-to-date helper list must be on file with IDNR prior to the initiation of fishing activities. A helper is defined as anyone aboard the boat of a commercial roe harvester.
 - 4) IDNR shall have the authority to restrict the number of permits issued for each body of water in order to establish a limited entry fishery to maintain a sustainable fishery for all caviar-bearing species based on the following criteria:
 - A) The best biological information available pertaining to maintaining a sustainable level of harvest for target fish species based on the size, structure and abundance of each population of roe-bearing species.
 - B) A determination of the potential impact of commercial fishing activities on other water-based recreational activities.
 - C) Harvest Pressure. No more than the following number of permits, unless specifically authorized by IDNR by water area and type, may be issued in each commercial fishing season: 50 permits for the Mississippi North/Mississippi South Zones allowing commercial harvest of paddlefish, bowfin and shovelnose sturgeon

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(shovelnose sturgeon only in the Mississippi North Zone); 10 permits for the Ohio River/Mississippi South Zone allowing commercial harvest of paddlefish, bowfin and shovelnose sturgeon (shovelnose sturgeon only in the Ohio River); 35 permits for the Wabash River allowing commercial harvest of shovelnose sturgeon and bowfin; and 15 permits for the Illinois River allowing commercial harvest of paddlefish and bowfin.

- D) Commercial roe harvest permits are not transferable.
- 5) Application for permit (under a limited entry fishery)
- A) Legally licensed Illinois resident commercial fishermen and non-resident commercial fishermen from states who share reciprocal waters (with commercial fishing reciprocal agreements, including the states of Iowa, Indiana, Missouri and Kentucky) who held a commercial roe harvest permit in the previous year and provided a complete monthly report to the Department of their catch each month are eligible to obtain a commercial roe harvest permit in the first [computerized random lottery](#) drawing. In addition to the previously stated qualifications, to be eligible for this drawing, fishermen must provide the following information to the Department: name, current address, date of birth, choice of water body (Mississippi River North/Mississippi River South, Wabash River, Illinois River, or Ohio River/Mississippi River South). Applications shall be submitted to the Department from June 1 through 15 and the [computerized random lottery](#) drawing will be held on July 1.
- B) Legally licensed Illinois resident commercial fishermen and non-resident commercial fishermen who did not obtain a permit in the July [computerized random lottery](#) drawing or who desire to obtain a permit for additional water bodies are eligible to obtain a commercial roe harvest permit in the second [computerized random lottery](#) drawing. In addition to the previously stated qualifications, to be eligible for this drawing, fishermen must provide the following information to the Department: name, current address, date of birth, choice of water body (Mississippi River North/Mississippi River South, Wabash River, Illinois River

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or Ohio River/Mississippi River South). Applications shall be submitted to the Department from August 1 through 15. If there are more applications than available permits, a computerized random drawing will be held on August 31 and successful applicants will be issued a permit.

C) Any remaining permits will be allocated on a first-come-first-served basis.

6) Penalties for Violations

Any commercial fisherman who is found guilty (including supervision or conditional discharge) of violating any of the regulations in this Section or committing any commercial fishing violation pursuant to the Fish and Aquatic Life Code involving the~~or of~~ taking or attempted taking of any roe-bearing species shall have~~of the species listed in 17 Ill. Adm. Code 1010.30(a) or (b) shall be subject to having~~ his or her commercial roe harvest license revoked and his or her privileges~~privileges~~ suspended for a period of up to~~up to~~ 36 months from the date indicated in~~of~~ the Department's Notice of Suspension. The procedure by which suspensions and revocations are made, the determination of the dates of the suspensions, the rights of the licensee to notice and hearing, and the procedures governing those hearings are set forth in 17 Ill. Adm. Code 2530~~final administrative decision pursuant to 17 Ill. Adm. Code 2530.490.~~

(Source: Amended at 39 Ill. Reg. 11034, effective July 22, 2015)

Section 830.14 License Requirements

- a) All commercial fishermen shall have a commercial fishing license. All individuals assisting a licensed commercial fisherman shall have a commercial fishing license unless these individuals are under the direct supervision of and aboard the same watercraft as the licensed commercial fisherman.
- b) All commercial fishermen shall obtain a sport fishing license in addition to their commercial fishing license. All individuals assisting a licensed commercial fisherman shall first obtain a sport fishing license.
- c) All commercial fishermen shall procure a commercial roe harvest permit in addition to their commercial fishing and sport fishing license before taking

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roe-bearing species with commercial fishing devices from the waters of the State legally open to commercial fishing.

- d) Commercial fishermen who wish to use their watercraft as a primary collection device for the harvest of commercial fish shall first obtain a commercial watercraft device tag.
- e) Reciprocity with Neighboring States – All Illinois-licensed commercial fishermen shall conform to the regulations of the state in which they are fishing, unless the Illinois regulations are more restrictive than the other state. When the Illinois regulation is more restrictive, the fisherman must conform to the Illinois regulation.
- 1) The States of Illinois and Iowa will recognize and accept as valid the commercial fishing license of either state when legally possessed and used on the Mississippi River proper. This includes any backwater lakes and bayous contiguous with the flow of waters in the main channel, subject to the following conditions:
- A) No device or equipment is attached to the main bank of the Mississippi River under the jurisdiction of the State of Iowa; and
- B) No fishing is conducted in any Iowa tributaries.
- 2) Pursuant to the reciprocal agreement for the Mississippi River between the States of Iowa and Illinois, the center of the navigation channel as surveyed by the U.S. Army Corps of Engineers shall constitute the boundary between the States of Illinois and Iowa.
- 3) The States of Illinois and Missouri will recognize and accept as valid the commercial fishing license of either state when legally possessed and used on the Mississippi River proper, subject to the following conditions:
- A) No device or equipment is attached to the main bank of the Mississippi River under the jurisdiction of the State of Missouri; and
- B) No fishing is conducted in any Missouri tributaries.

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- 4) Pursuant to the reciprocal agreement for the Mississippi River between the States of Missouri and Illinois, the center of the navigation channel as surveyed by the U.S. Army Corps of Engineers shall constitute the boundary between the States of Illinois and Missouri, except in situations where it is clearly shown to be elsewhere.
- 5) The States of Illinois and Kentucky will recognize and accept as valid the commercial fishing license of either state when legally possessed and used on the Ohio River, excluding embayments and tributaries, defined as a straight line between opposite points where the tributary of embayment connects with the main body of the Ohio River.
- 6) Illinois commercial fishing anglers shall abide by Kentucky's restricted areas below the locks and dams in this shared section of the Ohio River.
- 7) The States of Illinois and Indiana will recognize and accept as valid the commercial fishing license of either state when legally possessed and used on the Wabash River proper, subject to the following conditions:
 - A) No fishing is conducted beyond the natural and ordinary river banks of the state in which the commercial fisherman is not licensed to fish;
 - B) No fishing is conducted from land attached to or taxed now by the state in which he or she is not licensed to fish;
 - C) No fishing is conducted in any tributaries, bayous or backwaters of the state in which he or she is not licensed to fish;
 - D) No device or equipment is attached to land under the jurisdiction of the state in which he or she is not licensed to fish; and
 - E) Fishermen fishing beyond the center of the main channel in waters they are not licensed to fish must comply with all the laws, rules and regulations of the adjoining state.
- 8) Pursuant to the reciprocal agreement for the Wabash River between the States of Indiana and Illinois, the center of the navigation channel as

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surveyed by the U.S. Army Corps of Engineers shall constitute the boundary between the States of Illinois and Indiana.

(Source: Added at 39 Ill. Reg. 11034, effective July 22, 2015)

Section 830.25 Daily Fee Fishing Area

- a) Persons wishing to obtain a fee fishing area license shall submit an application to the Department that contains all of the following information:
- 1) the legal location of the site for which the license is intended;
 - 2) the size and number of water bodies located at the site;
 - 3) source of fish for stocking; and
 - 4) species of fish to be stocked.
- b) A representative of the Department shall inspect the proposed site and approve the fee fishing area application, providing all of the following criteria are met:
- 1) the applicant is deemed capable of supervising a property of this character;
 - 2) the site is suitable for the purpose intended;
 - 3) the operation of the property is not a menace or being established contrary to the laws of the State of Illinois;
 - 4) the operation of the fee fishing area will not work a fraud upon individuals utilizing the facilities; and
 - 5) Issuance of the license will be in the public's interest.
- c) The fee for a fee fishing area license shall be \$50 annually, and the license shall expire on January 31 following its issuance.
- d) The Department may refuse to issue, refuse to renew, suspend or revoke any fee fishing area license if the Department finds that the licensed site or its operator is not in compliance with this Section. The affected licensee must be given at least

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15 days' notice, in writing, of the reasons for the action of the Department and given an opportunity to appear before the Department or its representative in opposition to the action of the Department, unless the Department deems the operation of the site to pose a threat to public health and safety or if the site is being operated unlawfully (see 17 Ill. Adm. Code 2530).

(Source: Added at 39 Ill. Reg. 11034, effective July 22, 2015)

Section 830.40 Devices

- a) Commercial Fishing
 - 1) Devices used in the waters listed in Section 830.10 shall conform to all regulations as outlined in Article 15 of the Fish and Aquatic Life Code [515 ILCS 5/Art.15]. Hoop nets, basket traps, trot lines and dip nets may be used in all of the aforementioned waters.
 - 2) It shall be unlawful:
 - A) To use trammel nets and gill nets except in the Illinois River up to Route 89 Highway bridge, the Ohio River and the Mississippi River, unless authorized by a Special Use Permit issued pursuant to Section 830.80;-
 - B) To use seines except in the Illinois, Mississippi, Ohio and Wabash Rivers (except seining will not be permitted in Boston Bay and its connected backwaters above the mouth of Boston Bay in Mercer County); and-
 - C) To use trammel nets or gill nets in the Ohio River with less than 4 inch bar mesh netting, except that, from May 1 through October 31, bar mesh size cannot be less than 4 inches or greater than 4.5 inches.
- b) Commercial Musseling
 - 1) Devices used in waters open to commercial musseling shall conform to all regulations as outlined in this subsection (b) and in Articles 1 and 15 of the Fish and Aquatic Life Code [515 ILCS 5/Arts. 1 and 15].

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- 2) It shall be unlawful:
 - A) To use hand forks;-
 - B) To use basket dredges, mechanical devices and hand dredges in the taking of mussels;-
 - C) To harvest mussels in the Ohio River except by using crowfoot bars; ~~and~~;
 - D) To tether or hold mussels in any containment device. Mussels must be taken to the boat or released each day.
- 3) Brail or crowfoot bars must be 20 feet or less in length. No more than 3 bars may be possessed in each boat.
- c) Crayfish Harvest

Seines are the only commercial devices legal to use to commercially harvest crayfish in waters open to the commercial harvest of crayfish. They can be of any length, but not more than 6 feet in depth with a bag not more than 6 feet in height with a mesh no greater than ½ inch bar measurement.

(Source: Amended at 39 Ill. Reg. 11034, effective July 22, 2015)

Section 830.60 Species

- a) The following species of fish may be taken by licensed commercial fishermen:
 - 1) Common Carp and Black Carp
 - 2) Buffalo
 - 3) Freshwater drum
 - 4) Catfishes (includes bullheads)

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- 5) Paddlefish (only in waters specified in Section 830.13) (roe harvester permit required)
 - 6) Carpsuckers
 - 7) Suckers (except Longnose Sucker)
 - 8) Redhorses (except River Redhorse and Greater Redhorse)
 - 9) Goldeye and Mooneye
 - 10) Gar (except alligator gar)
 - 11) Bowfin (roe harvester permit required from October 1 through May 31)
 - ~~12) American eel~~
 - ~~1213) Shovelnose sturgeon (only in waters specified in Section 830.13)(roe harvester permit required)~~
 - ~~1314) Gizzard shad~~
 - ~~1415) White amur (grass carp)~~
 - ~~1516) Minnows~~
 - ~~1617) Goldfish~~
 - ~~1718) Bighead Carp and Silver Carp~~
- b) With the exception of the crayfish species listed in 17 Ill. Adm. Code 1010 (Illinois List of Endangered and Threatened Fauna) and the rusty crayfish, all crayfish species are legal to possess and may be taken by licensed commercial fishermen with legal commercial devices (seines only) and used, consumed or sold for bait.
- c) The following species of mussels may be taken by licensed commercial musselers:

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- 1) Washboard (*Megalonias nervosa*) (Ohio River Only)
- 2) Threeridge (*Amblema plicata*)
- 3) Mapleleaf (*Quadrula quadrula*)

(Source: Amended at 39 Ill. Reg. 11034, effective July 22, 2015)

Section 830.80 Commercial Fishing and Musseling in Additional Waters

- a) Additional public waters may be open to targeted commercial fishing or musseling by a Special Use Permit. Any licensed commercial fisherman or musseler who wishes to fish in any water not listed under Section 830.10, ~~or~~ 830.20 or 830.80(i) must request permission from the Division of Fisheries. The Division will determine whether the fish, crayfish or mussel resource can support such activity and whether the activity is in the best interests of the general public. If so, the Department shall issue a Special Use Permit for targeted removal specifying the type of gear, season, species of fish, crayfish or mussel that shall be removed, and any other regulations as shall be necessary to protect the resource.
- b) The standards for determining whether or not an additional fishery will be open to targeted commercial fishing or musseling shall include: a biological sampling of the commercial fish, crayfish or mussel population to determine the relative abundance of the species present; an assessment of the impact of commercial fishing or musseling gear on sport fish, crayfish or mussel populations; a determination of the potential impact of commercial fishing or musseling activities on other water-based recreation; a determination of whether the fish are safe for public consumption (U.S. Food and Drug Administration standards are followed (USFDA 21, CFR 109.30 (2014), ~~2004~~ ~~(no incorporation in this Part includes later amendments or editions)~~); and a fair and equitable allocation of commercial fishing or musseling opportunities.
- c) For commercial musseling, in addition to the criteria listed in subsection (b), both of the specific criteria listed below must be met for areas to be open or remain open to commercial harvest of selected mussel species:
 - 1) sub-legal to legal mussel (same species) ratio equal to or exceeding 2:1;
and

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- 2) catch rate (CPUE) of individual specimens of a given species, as measured by a timed diver sample equal to or exceeding 60 per hour.
- d) For commercial fishing, in addition to the criteria listed in subsection (b), the specific criteria that must be met for areas to be open or remain open to commercial harvest of selected fish includes: the results of a biological survey of the fish population present that indicates the total biomass of fish species listed in Section 830.60(a), with the exception of catfish, paddlefish and shovelnose sturgeon, is more than the combined biomass of the sport fishes listed in subsection (e).
 - e) The following fishes shall be considered "sport fishes" for the purposes of determining whether a body of water meets the criteria established under subsection (d):
 - 1) The following members of the sunfish family (*Centrarchidae*):
 - black crappie – *Pomoxis nigromaculatus*
 - bluegill – *Lepomis macrochirus*
 - largemouth bass – *Micropterus salmoides*
 - rock bass – *Ambloplites rupestris*
 - reardear sunfish – *Lepomis microlophus*
 - smallmouth bass – *Micropterus dolomieu*
 - spotted bass – *Micropterus punctulatus*
 - white crappie – *Pomoxis annularis*
 - 2) The following members of the catfish family (*Ictaluridae*):
 - blue catfish – *Ictalurus furcatus*
 - brown bullhead – *Ameiurus nebulosus*

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black bullhead – *Ameiurus melas*

channel catfish – *Ictalurus punctatus*

flathead catfish – *Pylodictis olivaris*

yellow bullhead – *Ameiurus natalis*

- 3) The following members of the pike family (*Esocidae*):

muskellunge – *Esox masquinongy*

northern pike – *Esox lucius*

- 4) The following members of the perch family (*Percidae*):

sauger – *Sander canadensis*

walleye – *Sander vitreus*

yellow perch – *Perca flavescens*

- 5) The following members of the temperate bass family (*Moronidae*):

Striped bass – *Morone saxatilis*

Striped bass X white bass hybrid – *M. Saxatilis X*
M. chrysops

White bass – *Morone chrysops*

- f) Commercial fishing or musseling Special Use Permits will not be issued:
- 1) for non-commercial purposes; or
 - 2) if an individual has been found guilty of a violation of a State Fish and Aquatic Life Code law or this Part during the past 12 months.

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- g) Commercial fishing Special Use Permits may be issued for private bodies of water at the request of the owner or his or her authorized agent, if all of the following conditions have been satisfied:
- 1) The body of water is completely encompassed by land that is owned by an individual, leased by a tenant residing upon it, or controlled by ownership or lease by a private club or association.
 - 2) The commercial fisherman has obtained permission in writing from the owner, tenant or private club who controls the property; and either:
 - A) None of the commercially-harvested fish are offered for barter or sale; or
 - B) If commercially-harvested fish are offered for barter or sale, it has been determined that either:
 - i) the fish are tested and found safe for public consumption (U.S. Food and Drug Administration (FDA) standards are followed (21 CFR 109.30 (2004)); or-
 - ii) the fish are sold to a market utilizing them for a product other than human consumption.
- h) Application procedures for targeted commercial fish removal Special Use Permits for the waters identified under subsections (i) and (j):
- 1) Illinois resident and non-resident commercial fishermen can submit an application for a Special Use Permit from June 1 through 15 of each year for any of the waters designated in subsection (i) or (j). Legally licensed Illinois resident commercial fishermen and non-resident commercial fishermen from states who share reciprocal waters (with commercial fishing reciprocal agreements, including the states of Iowa, Indiana, Missouri and Kentucky) who were ~~issued under~~ a commercial fish removal ~~contractor or held a~~ Special Use Permit in the previous year and successfully harvested a minimum of 1,000 pounds of fish and abided by all provisions of the permit~~provided a complete monthly report to the Department of their catch each month~~ are eligible to obtain a Special Use Permit in the first computerized random~~lottery~~ drawing. In addition to the

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previously stated qualifications, to be eligible for this drawing, fishermen must provide the following information to the Department: name, current address, date of birth, choice of water body (see subsections (i) and (j)). If there are more applications than permits available, a [computerized random](#) drawing will be conducted on July 1 to allocate available permits.

- 2) Non-resident or resident commercial fishermen who did not obtain a permit in the first drawing or who desire an additional Special Use Permit can submit an application on July 1 through 15 of each year for any of the waters designated in subsection (i) or (j) for any remaining permits. If there are more applications than permits available, a drawing will be conducted on July 31 to allocate available permits.
 - 3) Any permits remaining after the first two allocations will be issued on a first come-first served basis.
- i) The following water bodies will be open to commercial removal of selected fish species under a Special Use Permit to be allocated pursuant to subsection (h) and subject to subsection (d):
- 1) Rock River – divided into 6 sections with one Special Use Permit allocated per section
 - 2) Rend Lake – maximum of 25 Special Use Permits
 - 3) Carlyle Lake – maximum of 25 Special Use Permits
 - 4) Mississippi River State Fish and Wildlife Area – maximum of 15 Special Use Permits
 - 5) Anderson Lake State Fish and Wildlife Area – maximum of 15 Special Use Permits
 - 6) Otter Creek in Green County (from the Route 100 crossing downstream to the Illinois River) – maximum of 1 Special Use Permit
 - 7) Macoupin Creek in Jersey and Green Counties (from the Reddish Ford Bridge downstream to the Illinois River) – maximum of 1 Special Use Permit

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- 8) Quincy Bay – maximum of 1 Special Use Permit
 - 9) [Horseshoe Lake in Alexander County – Maximum of 5 Special Use Permits](#)
 - 10) [Horseshoe Lake in Madison County – Maximum of 5 Special Use Permits](#)
 - 11) [Taylorville City Lake – Maximum of 1 Special Use Permit](#)
 - 12) [Clinton Lake – Maximum of 1 Special Use Permit](#)
 - 13) [Rice Lake – Maximum of 15 Special Use Permits](#)
 - 14) [Frank Holten State Park Lakes – Maximum of 1 Special Use Permit](#)
 - 15) [LaMoine River – Maximum of 10 Special Use Permits](#)
 - 16) [Spoon River – Maximum of 10 Special Use Permits](#)
 - 17) [Washington County Lake – Maximum of 1 Special Use Permit](#)
 - 18) [Mermet Lake – Maximum of 1 Special Use Permit](#)
 - 19) [Powerton Lake – Maximum of 1 Special Use Permit](#)
 - 20) [Lake Decatur – Maximum of 1 Special Use Permit](#)
- j) The following water bodies, all currently open to commercial fishing under Section 830.10, will be open to commercial removal of selected fish species with the use of trammel and gill nets under a Special Use Permit to be allocated pursuant to subsection (h) and subject to subsection (d):
- 1) Kaskaskia River – maximum of 20 Special Use Permits
 - 2) Sangamon River – maximum of 15 Special Use Permits
 - 3) Big Muddy River – maximum of 10 Special Use Permits

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- 4) Saline River – maximum of 6 Special Use Permits
- k) For any U.S. Fish and Wildlife Service (USFWS) special use permit issued to commercial fisherman for commercial harvest of selected fish species within USFWS National Wildlife Refuge areas, a Special Use Permit pursuant to subsection (a) must be obtained from the Department. All Illinois laws and regulations apply.

(Source: Amended at 39 Ill. Reg. 11034, effective July 22, 2015)

Section 830.90 Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals and Reporting Requirements

- a) In accordance with Section 20-105 of the Fish and Aquatic Life Code [515 ILCS 5/20-105], failure to comply with the provisions of the Fish and Aquatic Life Code of Illinois pertaining to commercial fishing and/or musseling in Illinois waters and this Part will result in suspension or revocation of the commercial fishing and/or musseling licenses. The procedure by which suspensions and revocations are made, the rights of commercial fishermen and musselers to notice and hearing, and the procedures governing such hearings are set forth in 17 Ill. Adm. Code 2530 ([Revocation Procedures for Conservation Offenses](#)~~Rules governing Department Formal Hearings Conducted for Rule-Making and Contested Cases~~).
- b) Where waters of the State are open to commercial fishing or musseling by contract, the contract will be revoked upon failure of the contractor to comply with all terms of the contract. Furthermore, any violation of a contract issued by the Director of the Department of Natural Resources or [the Director's](#)~~his~~ agents shall be considered a violation of this Part and subject to the penalties as set forth in Sections 20-35 and 20-105 of the Fish and Aquatic Life Code ~~[515 ILCS 5/20-35, 20-105]~~.
- c) Commercial fishermen shall submit an accurate annual record of the undressed weights of the species of fish and/or crayfish harvested to the Department by January 31 of the following year, whether or not any fish and/or crayfish were harvested. Commercial fishermen shall keep an accurate record of their catch. This record, showing the species, number of pounds of fish, type of device used, location taken and date of harvest, shall be open for inspection by employees of

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the Department at all times and retained for a period of 2 years after submission of all associated reports.

- d) Commercial fishermen on the Ohio River shall submit to the Department an accurate monthly record of the undressed weights and species of fish harvested by the 10th of each month following harvest, whether or not any fish were harvested.
- e) Commercial roe harvesters shall submit an accurate monthly record containing the following information: the undressed weight of roe-bearing species, the unprocessed weight of roe from these fishes, and the name, address and date of sale to whom the roe was sold or given. This information shall be submitted to the Department by the 5th of the month following harvest. Submission of these reports is required whether or not roe-bearing species were harvested.
- f) Commercial roe dealers shall submit to the Department by the 5th of the month following harvest an accurate record containing the unprocessed and processed weights of roe purchased, the date of transaction and the name, address and license number of the commercial roe harvesters. These reports are required whether or not roe was purchased.
- g) Holders of a commercial mussel harvest license shall submit an accurate record of the types and pounds of each species of mussel and/or relic mussel shells harvested or purchased on a monthly basis during the season by the 10th of each month following harvest, whether or not any mussels or mussel shells were harvested. Reports must be submitted on official Department of Natural Resources report forms.
- h) Holders of a commercial mussel dealers license shall submit an accurate record of the types and pounds of each species of mussel and/or relic mussel shells purchased on a monthly basis during the season by the 10th of each month following purchase, whether or not any mussels or mussel shells were purchased. Reports must be submitted on official Department of Natural Resources report forms.
- i) Failure of licensed commercial mussel dealers, fishermen or musselers to submit the required reports in a manner and timeframe specified by the Department is a petty offense subject to the penalties set forth in Section 20-35 of the Code and shall be grounds for the Department to refuse to issue any license under this

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~~Part and shall be grounds for license suspension or revocation pursuant to 515
ILCS 5/20-35.~~

(Source: Amended at 39 Ill. Reg. 11034, effective July 22, 2015)

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- 1) Heading of the Part: Control of Communicable Diseases Code
- 2) Code Citation: 77 Ill. Adm. Code 690
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
690.10	Amendment
690.1520	Amendment
- 4) Statutory Authority: Communicable Disease Report Act [745 ILCS 45] and the Department of Public Health Act [20 ILCS 2305]
- 5) Effective Date of Rules: July 24, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: April 3, 2015; 39 Ill. Reg. 4837
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No public comments were received. Various nonsubstantive typographical, grammatical and form changes were made in response to the comments from JCAR.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
690.295	Amendment	39 Ill. Reg. 2251; February 13, 2015

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- 15) Summary and Purpose of Rulemaking: This rulemaking updates definitions and surveillance criteria for reporting carbapenem-resistant Enterobacteriaceae (CRE) to allow the Illinois Department of Public Health to be consistent with the Centers for Disease Control and Prevention's (CDC) reporting requirements for CRE.
- 16) Information and questions regarding these adopted rules shall be directed to:

Elizabeth Paton
Assistant General Counsel
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield IL 62761

217/782-2043
e-mail: dph.rules@illinois.gov

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONSPART 690
CONTROL OF COMMUNICABLE DISEASES CODE

SUBPART A: GENERAL PROVISIONS

Section	
690.10	Definitions
690.20	Incorporated and Referenced Materials
690.30	General Procedures for the Control of Communicable Diseases

SUBPART B: REPORTABLE DISEASES AND CONDITIONS

Section	
690.100	Diseases and Conditions
690.110	Diseases Repealed from This Part

SUBPART C: REPORTING

Section	
690.200	Reporting

SUBPART D: DETAILED PROCEDURES FOR THE CONTROL OF
COMMUNICABLE DISEASES

Section	
690.290	Acquired Immunodeficiency Syndrome (AIDS) (Repealed)
690.295	Any Unusual Case of a Disease or Condition Caused by an Infectious Agent Not Listed in this Part that is of Urgent Public Health Significance (Reportable by telephone immediately (within three hours))
690.300	Amebiasis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
690.310	Animal Bites (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
690.320	Anthrax (Reportable by telephone immediately, within three hours, upon initial clinical suspicion of the disease)
690.322	Arboviral Infections (Including, but Not Limited to, Chikungunya Fever, California Encephalitis, St. Louis Encephalitis, Dengue Fever and West Nile

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- Virus) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.325 Blastomycosis (Reportable by telephone as soon as possible, within 7 days) (Repealed)
- 690.327 Botulism, Foodborne, Intestinal Botulism (Formerly Infant), Wound, or Other (Reportable by telephone immediately, within three hours upon initial clinical suspicion of the disease for foodborne botulism or within 24 hours by telephone or facsimile for other types)
- 690.330 Brucellosis (Reportable by telephone as soon as possible (within 24 hours), unless suspect bioterrorist event or part of an outbreak, then reportable immediately (within three hours) by telephone)
- 690.335 Campylobacteriosis (Reportable by mail, telephone, facsimile or electronically, within 7 days) (Repealed)
- 690.340 Chancroid (Repealed)
- 690.350 Chickenpox (Varicella) (Reportable by telephone, facsimile or electronically , within 24 hours)
- 690.360 Cholera (Toxigenic *Vibrio cholerae* O1 or O139) (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.362 Creutzfeldt-Jakob Disease (CJD) (All Laboratory Confirmed Cases) (Reportable by mail, telephone, facsimile or electronically within Seven days after confirmation of the disease)
- 690.365 Cryptosporidiosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.368 Cyclosporiasis (Reportable by mail, telephone, facsimile or electronically, within seven days)
- 690.370 Diarrhea of the Newborn (Reportable by telephone as soon as possible, within 24 hours) (Repealed)
- 690.380 Diphtheria (Reportable by telephone immediately, within three hours, upon initial clinical suspicion or laboratory test order)
- 690.385 Ehrlichiosis, Human Granulocytotropic anaplasmosis (HGA) (See Tickborne Disease)
- 690.386 Ehrlichiosis, Human Monocytotropic (HME) (See Tickborne Disease)
- 690.390 Encephalitis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
- 690.400 Escherichia coli Infections (E. coli O157:H7 and Other Shiga Toxin Producing E. coli, Enterotoxigenic E. coli, Enteropathogenic E. coli and Enteroinvasive E. coli) (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.410 Foodborne or Waterborne Illness (Reportable by telephone or facsimile as soon as possible, within 24 hours) (Repealed)

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- 690.420 Giardiasis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
- 690.430 Gonorrhea (Repealed)
- 690.440 Granuloma Inguinale (Repealed)
- 690.441 Haemophilus Influenzae, Meningitis and Other Invasive Disease (Reportable by telephone or facsimile, within 24 hours)
- 690.442 Hantavirus Pulmonary Syndrome (Reportable by telephone as soon as possible, within 24 hours)
- 690.444 Hemolytic Uremic Syndrome, Post-diarrheal (Reportable by telephone or facsimile, within 24 hours)
- 690.450 Hepatitis A (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.451 Hepatitis B and Hepatitis D (Reportable by mail, telephone, facsimile or electronically, within seven days)
- 690.452 Hepatitis C, Acute Infection and Non-acute Confirmed Infection (Reportable by mail, telephone, facsimile or electronically, within seven days)
- 690.453 Hepatitis, Viral, Other (Reportable by mail, telephone, facsimile or electronically, within 7 days) (Repealed)
- 690.460 Histoplasmosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.465 Influenza, Death (in persons less than 18 years of age) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.468 Influenza (Laboratory Confirmed (Including Rapid Diagnostic Testing)) Intensive Care Unit Admissions (Reportable by telephone or facsimile or electronically as soon as possible, within 24 hours)
- 690.469 Influenza A, Variant Virus (Reportable by telephone immediately, within three hours upon initial clinical suspicion or laboratory test order)
- 690.470 Intestinal Worms (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
- 690.475 Legionellosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.480 Leprosy (Hansen's Disease) (Infectious and Non-infectious Cases are Reportable) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.490 Leptospirosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.495 Listeriosis (When Both Mother and Newborn are Positive, Report Mother Only) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)

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- 690.500 Lymphogranuloma Venereum (Lymphogranuloma Inguinale Lymphopathia Venereum) (Repealed)
- 690.505 Lyme Disease (See Tickborne Disease)
- 690.510 Malaria (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.520 Measles (Reportable by telephone as soon as possible, within 24 hours)
- 690.530 Meningitis, Aseptic (Including Arboviral Infections) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
- 690.540 Meningococemia (Reportable by telephone as soon as possible) (Repealed)
- 690.550 Mumps (Reportable by telephone, facsimile or electronically as soon as possible, within 24 hours)
- 690.555 Neisseria meningitidis, Meningitis and Invasive Disease (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.560 Ophthalmia Neonatorum (Gonococcal) (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
- 690.565 Outbreaks of Public Health Significance (Including, but Not Limited to, Foodborne or Waterborne Outbreaks) (Reportable by telephone or electronically as soon as possible, within 24 hours)
- 690.570 Plague (Reportable by telephone immediately, within three hours upon initial clinical suspicion of the disease)
- 690.580 Poliomyelitis (Reportable by telephone immediately, within three hours) upon initial clinical suspicion of the disease)
- 690.590 Psittacosis (Ornithosis) Due to Chlamydia psittaci (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.595 Q-fever Due to Coxiella burnetii (Reportable by telephone as soon as possible, within 24 Hours, unless suspect bioterrorist event or part of an outbreak, then reportable immediately (within three hours) by telephone)
- 690.600 Rabies, Human (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.601 Rabies, Potential Human Exposure and Animal Rabies (Reportable by telephone or facsimile, within 24 hours)
- 690.610 Rocky Mountain Spotted Fever (See Tickborne Disease)
- 690.620 Rubella (German Measles) (Including Congenital Rubella Syndrome) (Reportable by telephone, facsimile or electronically as soon as possible, within 24 hours)
- 690.630 Salmonellosis (Other than Typhoid Fever) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.635 Severe Acute Respiratory Syndrome (SARS) (Reportable by telephone immediately (within 3 hours) upon initial clinical suspicion of the disease)

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- 690.640 Shigellosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.650 Smallpox (Reportable by telephone immediately, within three hours upon initial clinical suspicion of the disease)
- 690.655 Smallpox vaccination, complications of (Reportable by telephone or electronically as soon as possible, within 24 hours)
- 690.658 Staphylococcus aureus, Methicillin Resistant (MRSA) Infection, Clusters of Two or More Laboratory Confirmed Cases Occurring in Community Settings (Including, but Not Limited to, Schools, Correctional Facilities, Day Care and Sports Teams) (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.660 Staphylococcus aureus, Methicillin Resistant (MRSA), Any Occurrence in an Infant Less Than 61 Days of Age (Reportable by telephone or facsimile or electronically as soon as possible, within 24 hours)
- 690.661 Staphylococcus aureus Infections with Intermediate (Minimum inhibitory concentration (MIC) between 4 and 8) (VISA) or High Level Resistance to Vancomycin (MIC greater than or equal to 16) (VRSA) (Reportable by telephone or facsimile, within 24 hours)
- 690.670 Streptococcal Infections, Group A, Invasive Disease (Including Streptococcal Toxic Shock Syndrome and Necrotizing fasciitis) (Reportable by telephone or facsimile, within 24 hours)
- 690.675 Streptococcal Infections, Group B, Invasive Disease, of the Newborn (birth to 3 months) (Reportable by mail, telephone, facsimile or electronically, within 7 days) (Repealed)
- 690.678 Streptococcus pneumoniae, Invasive Disease in Children Less than 5 Years (Including Antibiotic Susceptibility Test Results) (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.680 Syphilis (Repealed)
- 690.690 Tetanus (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.695 Toxic Shock Syndrome due to Staphylococcus aureus Infection (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.698 Tickborne Disease (Includes Babesiosis, Ehrlichiosis, Anaplasmosis, Lyme Disease and Spotted Fever Rickettsiosis) (Reportable by mail, telephone, facsimile or electronically, within seven days)
- 690.700 Trachoma (Repealed)
- 690.710 Trichinosis (Trichinellosis) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.720 Tuberculosis (Repealed)
- 690.725 Tularemia (Reportable by telephone as soon as possible, within 24 hours, unless

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- suspect bioterrorist event or part of an outbreak, then reportable immediately (within three hours)
- 690.730 Typhoid Fever (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.740 Typhus (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.745 Vibriosis (Other than Toxigenic Vibrio cholera O1 or O139) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.750 Pertussis (Whooping Cough) (Reportable by telephone as soon as possible, within 24 hours)
- 690.752 Yersiniosis (Reportable by mail, telephone, facsimile or electronically, within seven days)
- 690.800 Any Suspected Bioterrorist Threat or Event (Reportable by telephone immediately, within 3 hours upon initial clinical suspicion of the disease)

SUBPART E: DEFINITIONS

- Section
690.900 Definition of Terms (Renumbered)

SUBPART F: GENERAL PROCEDURES

- Section
690.1000 General Procedures for the Control of Communicable Diseases (Renumbered)
690.1010 Incorporated and Referenced Materials (Renumbered)

SUBPART G: SEXUALLY TRANSMITTED DISEASES

- Section
690.1100 The Control of Sexually Transmitted Diseases (Repealed)

SUBPART H: PROCEDURES FOR WHEN DEATH OCCURS FROM
COMMUNICABLE DISEASES

- Section
690.1200 Death of a Person Who Had a Known or Suspected Communicable Disease
690.1210 Funerals (Repealed)

SUBPART I: ISOLATION, QUARANTINE, AND CLOSURE

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Section

690.1300	General Purpose
690.1305	Department of Public Health Authority
690.1310	Local Health Authority
690.1315	Responsibilities and Duties of the Certified Local Health Department
690.1320	Responsibilities and Duties of Health Care Providers
690.1325	Conditions and Principles for Isolation and Quarantine
690.1330	Order and Procedure for Isolation, Quarantine and Closure
690.1335	Isolation or Quarantine Premises
690.1340	Enforcement
690.1345	Relief from Isolation, Quarantine, or Closure
690.1350	Consolidation
690.1355	Access to Medical or Health Information
690.1360	Right to Counsel
690.1365	Service of Isolation, Quarantine, or Closure Order
690.1370	Documentation
690.1375	Voluntary Isolation, Quarantine, or Closure
690.1380	Physical Examination, Testing and Collection of Laboratory Specimens
690.1385	Vaccinations, Medications, or Other Treatments
690.1390	Observation and Monitoring
690.1400	Transportation of Persons Subject to Public Health or Court Order
690.1405	Information Sharing
690.1410	Amendment and Termination of Orders
690.1415	Penalties

SUBPART J: REGISTRIES

Section

690.1500	Extensively Drug-Resistant Organism Registry
690.1510	Entities Required to Submit Information
690.1520	Information Required to be Reported
690.1530	Methods of Reporting XDRO Registry Information
690.1540	Availability of Information

690.EXHIBIT A Typhoid Fever Agreement (Repealed)

AUTHORITY: Implementing the Communicable Disease Report Act [745 ILCS 45] and implementing and authorized by the Department of Public Health Act [20 ILCS 2305].

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SOURCE: Amended July 1, 1977; emergency amendment at 3 Ill. Reg. 14, p. 7, effective March 21, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 52, p. 131, effective December 7, 1979; emergency amendment at 4 Ill. Reg. 21, p. 97, effective May 14, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 38, p. 183, effective September 9, 1980; amended at 7 Ill. Reg. 16183, effective November 23, 1983; codified at 8 Ill. Reg. 14273; amended at 8 Ill. Reg. 24135, effective November 29, 1984; emergency amendment at 9 Ill. Reg. 6331, effective April 18, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9124, effective June 3, 1985; amended at 9 Ill. Reg. 11643, effective July 19, 1985; amended at 10 Ill. Reg. 10730, effective June 3, 1986; amended at 11 Ill. Reg. 7677, effective July 1, 1987; amended at 12 Ill. Reg. 10045, effective May 27, 1988; amended at 15 Ill. Reg. 11679, effective August 15, 1991; amended at 18 Ill. Reg. 10158, effective July 15, 1994; amended at 23 Ill. Reg. 10849, effective August 20, 1999; amended at 25 Ill. Reg. 3937, effective April 1, 2001; amended at 26 Ill. Reg. 10701, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 592, effective January 2, 2003, for a maximum of 150 days; emergency expired May 31, 2003; amended at 27 Ill. Reg. 10294, effective June 30, 2003; amended at 30 Ill. Reg. 14565, effective August 23, 2006; amended at 32 Ill. Reg. 3777, effective March 3, 2008; amended at 37 Ill. Reg. 12063, effective July 15, 2013; recodified at 38 Ill. Reg. 5408; amended at 38 Ill. Reg. 5533, effective February 11, 2014; emergency amendment at 38 Ill. Reg. 21954, effective November 5, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. 4116, effective March 9, 2015; amended at 39 Ill. Reg. 11063, effective July 24, 2015.

SUBPART A: GENERAL PROVISIONS

Section 690.10 Definitions

"Acceptable Laboratory" – A laboratory that is certified under the Centers for Medicare and Medicaid Services, Department of Health and Human Services, Laboratory Requirements (42 CFR 493), which implements the Clinical Laboratory Improvement Amendments of 1988 (42 USC 263).

"Act" – The Department of Public Health Act of the Civil Administrative Code of Illinois [20 ILCS 2305].

"Airborne Precautions" or "Airborne Infection Isolation Precautions" – Infection control measures designed to reduce the risk of transmission of infectious agents that may be suspended in the air in either dust particles or small particle aerosols (airborne droplet nuclei (5 µm or smaller in size)) (see Section 690.20(a)(7)).

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"Authenticated Fecal Specimen" – A specimen for which a public health authority or a person authorized by a public health authority has observed either or both the patient producing the specimen or conditions under which no one other than the case, carrier or contact could be the source of the specimen.

"Bioterrorist Threat or Event" – The intentional use of any microorganism, virus, infectious substance or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any microorganism, virus, infectious substance, or biological product, to cause death, disease or other biological malfunction in a human, an animal, a plant or another living organism.

"Business" – A person, partnership or corporation engaged in commerce, manufacturing or a service.

"~~Carbapenem~~~~Carbapenum~~ Antibiotics" – A class of broad-spectrum beta-lactam antibiotics.

"Carrier" – A living or deceased person who harbors a specific infectious agent in the absence of discernible clinical disease and serves as a potential source of infection for others.

"Case" – Any living or deceased person having a recent illness due to a communicable disease.

"Confirmed Case" – A case that is classified as confirmed in accordance with federal or State case definitions.

"Probable Case" – A case that is classified as probable in accordance with federal or State case definitions.

"Suspect Case" – A case whose medical history or symptoms suggest that the person may have or may be developing a communicable disease and who does not yet meet the definition of a probable or confirmed case.

"Certified Local Health Department" – A local health authority that is certified pursuant to Section 600.210 of the Certified Local Health Department Code (77 Ill. Adm. Code 600).

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"Chain of Custody" – The methodology of tracking specimens for the purpose of maintaining control and accountability from initial collection to final disposition of the specimens and providing for accountability at each stage of collecting, handling, testing, storing, and transporting the specimens and reporting test results.

"Child Care Facility" – A center, private home, or drop-in facility open on a regular basis where children are enrolled for care or education.

"Cleaning" – The removal of visible soil (organic and inorganic material) from objects and surfaces, normally accomplished by manual or mechanical means using water with detergents or enzymatic products.

"Clinical Materials" – A clinical isolate containing the infectious agent, or other material containing the infectious agent or evidence of the infectious agent.

"Cluster" – Two or more persons with a similar illness, usually associated by place or time, unless defined otherwise in Subpart D.

"Communicable Disease" – An illness due to a specific infectious agent or its toxic products that arises through transmission of that agent or its products from an infected person, animal or inanimate source to a susceptible host, either directly or indirectly through an intermediate plant or animal host, a vector or the inanimate environment.

"Contact" – Any person known to have been sufficiently associated with a case or carrier of a communicable disease to have been the source of infection for that person or to have been sufficiently associated with the case or carrier of a communicable disease to have become infected by the case or carrier; and, in the opinion of the Department, there is a risk of the individual contracting the contagious disease. A contact can be a household or non-household contact.

"Contact Precautions" – Infection control measures designed to reduce the risk of transmission of infectious agents that can be spread through direct contact with the patient or indirect contact with potentially infectious items or surfaces (see Section 690.20(a)(7)).

"Contagious Disease" – An infectious disease that can be transmitted from person to person by direct or indirect contact.

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"Dangerously Contagious or Infectious Disease" – An illness due to a specific infectious agent or its toxic products that arises through transmission of that agent or its products from an infected person, animal or inanimate reservoir to a susceptible host, either directly or indirectly through an intermediate plant or animal host, a vector or the inanimate environment, and may pose an imminent and significant threat to the public health, resulting in severe morbidity or high mortality.

"Decontamination" – A procedure that removes pathogenic microorganisms from objects so they are safe to handle, use or discard.

"Department" – The Illinois Department of Public Health.

"Diarrhea" – The occurrence of three or more loose stools within a 24-hour period.

"Director" – The Director of the Department, or his or her duly designated officer or agent.

"Disinfection" – A process, generally less lethal than sterilization, that eliminates virtually all recognized pathogenic microorganisms, but not necessarily all microbial forms (e.g., bacterial spores).

"Droplet Precautions" – Infection control measures designed to reduce the risk of transmission of infectious agents via large particle droplets that do not remain suspended in the air and are usually generated by coughing, sneezing, or talking (see Section 690.20(a)(7)).

"Emergency" – An occurrence or imminent threat of an illness or health condition that:

is believed to be caused by any of the following:

bioterrorism;

the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin;

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a natural disaster;

a chemical attack or accidental release; or

a nuclear attack or incident; and

poses a high probability of any of the following harms:

a large number of deaths in the affected population;

a large number of serious or long-term disabilities in the affected population; or

widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population.

"Emergency Care" – The performance of rapid acts or procedures under emergency conditions, especially for those who are stricken with sudden and acute illness or who are the victims of severe trauma, in the observation, care and counsel of persons who are ill or injured or who have disabilities.

"Emergency Care Provider" – A person who provides rapid acts or procedures under emergency conditions, especially for those who are stricken with sudden and acute illness or who are the victims of severe trauma, in the observation, care and counsel of persons who are ill or injured or who have disabilities.

"Epidemic" – The occurrence in a community or region of cases of a communicable disease (or an outbreak) clearly in excess of expectancy.

"Exclusion" – Removal of individuals from a setting in which the possibility of disease transmission exists.

"Extensively Drug-Resistant Organisms" or "XDRO" – A pathogen that is difficult to treat because it is non-susceptible to all or nearly all antibiotics.~~A micro-organism that is non-susceptible to at least one agent in all but two or fewer antimicrobial categories.~~

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"Fever" – The elevation of body temperature above the normal (typically considered greater than or equal to 100.4 degrees Fahrenheit).

"First Responder" – Individuals who in the early stages of an incident are responsible for the protection and preservation of life, property, evidence, and the environment, including emergency response providers as defined in section 2 of the Homeland Security Act of 2002 (6 USC 101), as well as emergency management, public health, clinical care, public works, and other skilled support personnel (such as equipment operators) that provide immediate support services during prevention, response, and recovery operations.

"Food Handler" – Any person who has the potential to transmit foodborne pathogens to others from working with unpackaged food, food equipment or utensils or food-contact surfaces; any person who has the potential to transmit foodborne pathogens to others by directly preparing or handling food. Any person who dispenses medications by hand, assists in feeding, or provides mouth care shall be considered a food handler for the purpose of this Part. In health care facilities, this includes persons who set up meals for patients to eat, feed or assist patients in eating, give oral medications, or give mouth/denture care. In day care facilities, schools and community residential programs, this includes persons who prepare food, feed or assist attendees in eating, or give oral medications to attendees.

"Health Care" – Care, services and supplies related to the health of an individual. Health care includes preventive, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, and counseling, among other services. Health care also includes the sale and dispensing of prescription drugs or devices.

"Health Care Facility" – Any institution, building or agency, or portion of an institution, building or agency, whether public or private (for-profit or nonprofit), that is used, operated or designed to provide health services, medical treatment or nursing, rehabilitative or preventive care to any person or persons. This includes, but is not limited to, ambulatory surgical treatment centers, home health agencies, hospices, hospitals, end-stage renal disease facilities, long-term care facilities, medical assistance facilities, mental health centers, outpatient facilities, public health centers, rehabilitation facilities, residential treatment facilities, and adult day care centers.

"Health Care Provider" – Any person or entity who provides health care services,

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including, but not limited to, hospitals, medical clinics and offices, long-term care facilities, medical laboratories, physicians, pharmacists, dentists, physician assistants, nurse practitioners, nurses, paramedics, emergency medical or laboratory technicians, and ambulance and emergency workers.

"Health Care Worker" – Any person who is employed by (or volunteers his or her services to) a health care facility to provide direct personal services to others. This definition includes, but is not limited to, physicians, dentists, nurses and nursing assistants.

"Health Information Exchange" – The mobilization of healthcare information electronically across organizations within a region, community or hospital system; or, for purposes of this Part, an electronic network whose purpose is to accomplish the exchange, or an organization that oversees and governs the network.

"Health Level Seven" – Health Level Seven International or "HL7" is a not-for-profit, American National Standards Institute (ANSI)-accredited standards developing organization dedicated to providing a comprehensive framework and related standards for the exchange, integration, sharing and retrieval of electronic health information that supports clinical practice and the management, delivery and evaluation of health services. HL7 produces standards for message formats, such as HL7 2.5.1, that are adopted for use in public health data exchange between health care providers and public health.

"Illinois' National Electronic Disease Surveillance System" or "I-NEDSS" – A secure, web-based electronic disease surveillance application utilized by health care providers, laboratories and State and local health department staff to report infectious diseases and conditions, and to collect and analyze additional demographic, epidemiological and medical information for surveillance purposes and outbreak detection.

"Immediate Care" – The delivery of ambulatory care in a facility dedicated to the delivery of medical care outside of a hospital emergency department, usually on an unscheduled, walk-in basis. Immediate care facilities are primarily used to treat patients who have an injury or illness that requires immediate care but is not serious enough to warrant a visit to an emergency department.

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"Incubation Period" – The time interval between initial contact with an infectious agent and the first appearance of symptoms associated with the infection.

"Infectious Disease" – A disease caused by a living organism or other pathogen, including a fungus, bacteria, parasite, protozoan, prion, or virus. An infectious disease may, or may not, be transmissible from person to person, animal to person, or insect to person.

"Institution" – An established organization or foundation, especially one dedicated to education, public service, or culture, or a place for the care of persons who are destitute, disabled, or mentally ill.

"Isolation" – The physical separation and confinement of an individual or groups of individuals who are infected or reasonably believed to be infected with a contagious or possibly contagious disease from non-isolated individuals, to prevent or limit the transmission of the disease to non-isolated individuals.

"Isolation, Modified" – A selective, partial limitation of freedom of movement or actions of a person or group of persons infected with, or reasonably suspected to be infected with, a contagious or infectious disease. Modified isolation is designed to meet particular situations and includes, but is not limited to, the exclusion of children from school, the prohibition or restriction from engaging in a particular occupation or using public or mass transportation, or requirements for the use of devices or procedures intended to limit disease transmission.

"Isolation Precautions" – Infection control measures for preventing the transmission of infectious agents, i.e., standard precautions, airborne precautions (also known as airborne infection isolation precautions), contact precautions, and droplet precautions (see Section 690.20(a)(7)).

"Least Restrictive" – The minimal limitation of the freedom of movement and communication of a person or group of persons while under an order of isolation or an order of quarantine, which also effectively protects unexposed and susceptible persons from disease transmission.

"Local Health Authority" – The health authority (i.e., full-time official health department, as recognized by the Department) having jurisdiction over a particular area, including city, village, township and county boards of health and health departments and the responsible executive officers of those boards, or any

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person legally authorized to act for the local health authority. In areas without a health department recognized by the Department, the local health authority shall be the Department.

"Medical Record" – A written or electronic account of a patient's medical history, current illness, diagnosis, details of treatments, chronological progress notes, and discharge recommendations.

"Monitoring" – The practice of watching, checking or documenting medical findings of potential contacts for the development or non-development of an infection or illness. Monitoring may also include the institution of community-level social distancing measures designed to reduce potential exposure and unknowing transmission of infection to others. Community-level social distancing monitoring measures may include, but are not limited to, reporting of geographic location for a period of time, restricted use of public transportation, recommended or mandatory mask use, temperature screening prior to entering public buildings or attending public gatherings.

"Non-Duplicative Isolate" – The first isolate obtained from any source during each unique patient/resident encounter, including those obtained for active surveillance or clinical decision making.

"Observation" – The practice of close medical or other supervision of contacts to promote prompt recognition of infection or illness.

"Observation and Monitoring" – Close medical or other supervision, including, but not limited to, review of current health status, by health care personnel, of a person or group of persons on a voluntary or involuntary basis to permit prompt recognition of infection or illness.

"Outbreak" – The occurrence of illness in a person or a group of epidemiologically associated persons, with the rate of frequency clearly in excess of normal expectations. The number of cases indicating presence of an outbreak is disease specific.

"Premises" – The physical portion of a building or other structure and its surrounding area designated by the Director of the Department, his or her authorized representative, or the local health authority.

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"Public Health Order" – A written or verbal command, directive, instruction or proclamation issued or delivered by the Department or certified local health department.

"Public Transportation" – Any form of transportation that sets fares and is available for public use, such as taxis; multiple-occupancy car, van or shuttle services; airplanes; buses; trains; subways; ferries; and boats.

"Quarantine" – The physical separation and confinement of an individual or groups of individuals who are or may have been exposed to a contagious disease or possibly contagious disease and who do not show signs or symptoms.

"Quarantine" also includes the definition of "Quarantine, modified".

"Quarantine, Modified" – A selective, partial limitation of freedom of movement or actions of a person or group of persons who are or may have been exposed to a contagious disease or possibly contagious disease. Modified quarantine is designed to meet particular situations and includes, but is not limited to, the exclusion of children from school, the prohibition or restriction from engaging in a particular occupation or using public or mass transportation, or requirements for the use of devices or procedures intended to limit disease transmission. Any travel within Illinois outside of the jurisdiction of the local health authority must be either approved by the Director or be under mutual agreement of the health authority of the jurisdiction and the public health official who will assume responsibility. Travel outside Illinois shall require written notice from the Illinois jurisdiction to the out-of-state jurisdiction that will assume responsibility.

"Recombinant Organism" – A microbe with nucleic acid molecules that have been synthesized, amplified or modified.

"Registry" – A data collection and information system that is designed to support organized care ~~and management~~.

"Sensitive Occupation" – An occupation involving the direct care of others, especially young children and the elderly, or any other occupation designated by the Department or the local health authority, including, but not limited to, health care workers and child care facility personnel.

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"Sentinel Surveillance" – A means of monitoring the prevalence or incidence of infectious disease or syndromes through reporting of cases, suspect cases, or carriers or submission of clinical materials by selected sites.

"Specimens" – Include, but are not limited to, blood, sputum, urine, stool, other bodily fluids, wastes, tissues, and cultures necessary to perform required tests.

"Standard Precautions" – Infection prevention and control measures that apply to all patients regardless of diagnosis or presumed infection status (see Section 690.20(a)(7)).

"Sterilization" – The use of a physical or chemical process to destroy all microbial life, including large numbers of highly resistant bacterial endospores.

"Susceptible (non-immune)" – A person who is not known to possess sufficient resistance against a particular pathogenic agent to prevent developing infection or disease if or when exposed to the agent.

"Suspect Case" – A case whose medical history or symptoms suggest that the person may have or may be developing a communicable disease and who does not yet meet the definition of a probable or confirmed case.

"Syndromic Surveillance" – Surveillance using health-related data that precede diagnosis and signal a sufficient probability of a case or an outbreak to warrant further public health response.

"Tests" – Include, but are not limited to, any diagnostic or investigative analyses necessary to prevent the spread of disease or protect the public's health, safety and welfare.

"Transmission" – Any mechanism by which an infectious agent is spread from a source or reservoir to a person, including direct, indirect and airborne transmission.

"Treatment" – The provision of health care by one or more health care providers. Treatment includes any consultation, referral or other exchanges of information to manage a patient's care.

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"Voluntary Compliance" – Deliberate consented compliance of a person or group of persons that occurs at the request of the Department or local health authority prior to instituting a mandatory order for isolation, quarantine, closure, physical examination, testing, collection of laboratory specimens, observation, monitoring or medical treatment pursuant to this Subpart.

"Zoonotic Disease" – Any disease that is transmitted from animals to people.

(Source: Amended at 39 Ill. Reg. 11063, effective July 24, 2015)

SUBPART J: REGISTRIES

Section 690.1520 Information Required to be Reported

- a) A facility required to submit XDRO information shall report each Non-Duplicative XDRO Isolate, as specified in this Section, to the Department.
- b) The information to be reported shall be provided in a format designated by the Department and may be submitted either by direct electronic transmission or entry into a website. The information to be reported is divided into four subject areas, each containing a particular set of information. The four subject areas of the incidence report shall include the following:
 - 1) Patient Data and Address – patient's full name (including maiden name, when applicable and available), last four digits of the Social Security number (if available), telephone number and residential address, including street address, city, county, state and postal code;
 - 2) Personal Data – patient's birth date, sex, race and ethnicity (if available);
 - 3) Culture Data – specimen collection date, specimen source, isolate genus, isolate species, specific carbapenemase name (if known), antibiotic resistance criteria for entry into the Registry; and
 - 4) Facility Data – facility identification number provided by the Department, the medical record number, and the date of admission.
- c) Each XDRO report shall be submitted within seven calendar days after the test result is finalized.

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- d) Upon request from the Department or the Department's designee, each reporting facility shall provide access to additional information from all medical, pathological and other pertinent records related to the XDRO diagnosis, treatment, and follow-up for the purposes of infection control and quality improvement.
- e) ~~Reporting Beginning September 1, 2013, reporting~~ facilities shall report carbapenem-resistant enterobacteriaceae (e.g., E. coli, Klebsiella species, Enterobacter species, Proteus species, Citrobacter species, Serratia species, Morganella species, or Providentia species) based on laboratory test results:
- 1) Molecular test (e.g., polymerase chain reaction (PCR)) specific for carbapenemase;
 - 2) Phenotypic test (e.g., Modified Hodge) specific for carbapenemase production; or
 - 3) Enterobacteriaceae that are non-susceptible or resistant to designated antibiotics, as defined by susceptibility testing results.~~For E. coli and Klebsiella species only: nonsusceptible to one of the following carbapenems: doripenem, meropenem, or imipenem and resistant to all of the following third generation cephalosporin that were tested: ceftriaxone, cefotaxime, and ceftazidime.~~

(Source: Amended at 39 Ill. Reg. 11063, effective July 24, 2015)

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- 1) Heading of the Part: Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 150
- 3) Section Number: 150.310 Adopted Action:
Amendment
- 4) Statutory Authority: 20 ILCS 2505/2505-90
- 5) Effective Date of Rule: July 21, 2015
- 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 rule, 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*: 39 Ill. Reg. 273; January 2, 2015
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: The only changes made were the ones agreed upon with JCAR. Only grammatical and technical changes were made. No substantive changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The current regulation provides, in relevant part, that a nonresident purchaser of a motor vehicle is not liable for use tax on the purchase of a motor vehicle delivered in this State unless the motor vehicle is used in this State for 30 or more days in a calendar year. PA 96-1035 amended the Illinois Vehicle Code [625 ILCS 5/3-603] to provide that a nonresident purchaser of a motor vehicle is not liable for use tax unless the motor vehicle is used in this State for more than 30 days. This

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rulemaking makes this regulation consistent with the Vehicle Code, which provides for a longer non-taxable use period.

This rulemaking also extends the sunset date until June 30, 2016, for the exemption for taxpayers engaged in centralized purchasing activities who temporarily store purchased property in Illinois.

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

Debra M. Boggess
Associate Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

217/782-2844

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

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 150
USE TAX

SUBPART A: NATURE OF THE TAX

Section	
150.101	Description of the Tax
150.105	Rate and Base of Tax
150.110	How To Compute Depreciation
150.115	How To Determine Effective Date
150.120	Effective Date of New Taxes
150.125	Relation of Use Tax to Retailers' Occupation Tax
150.130	Accounting for the Tax
150.135	How to Avoid Paying Tax on Use Tax Collected From the Purchaser

SUBPART B: DEFINITIONS

Section	
150.201	General Definitions

SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section	
150.301	Cross References
150.305	Effect of Limitation that Purchase Must be at Retail From a Retailer to be Taxable
150.306	Interim Use and Demonstration Exemptions
150.310	Exemptions to Avoid Multi-State Taxation
150.311	Commercial Distribution Fee Sales Tax Exemption
150.315	Non-resident Exemptions
150.320	Meaning of "Acquired Outside This State"
150.325	Charitable, Religious, Educational and Senior Citizens Recreational Organizations as Buyers
150.330	Governmental Bodies as Buyers
150.331	Persons Who Lease Tangible Personal Property to Exempt Hospitals
150.332	Persons Who Lease Tangible Personal Property to Governmental Bodies
150.335	Game or Game Birds Purchased at Game Breeding and Hunting Areas or Exotic

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- Game Hunting Areas
- 150.336 Fuel Brought into Illinois in Locomotives
- 150.337 Food, Drugs, Medicines and Medical Appliances When Purchased for Use by a Person Receiving Medical Assistance under the Illinois Public Aid Code
- 150.340 Manufacturing Machinery and Equipment; Production Related Tangible Personal Property; Department Determination of Amount of Exemption

SUBPART D: COLLECTION OF THE USE TAX FROM USERS BY RETAILERS

- Section
- 150.401 Collection of the Tax by Retailers From Users
- 150.405 Tax Collection Brackets
- 150.410 Tax Collection Brackets for a 2 $\frac{1}{4}$ % Rate of Tax (Repealed)
- 150.415 Tax Collection Brackets for a 2 $\frac{1}{2}$ % Rate of Tax (Repealed)
- 150.420 Tax Collection Brackets for a 2 $\frac{3}{4}$ % Rate of Tax (Repealed)
- 150.425 Tax Collection Brackets for a 3% Rate of Tax (Repealed)
- 150.430 Tax Collection Brackets for a 3 $\frac{1}{8}$ % Rate of Tax (Repealed)
- 150.435 Tax Collection Brackets for a 3 $\frac{1}{4}$ % Rate of Tax (Repealed)
- 150.440 Tax Collection Brackets for a 3 $\frac{1}{2}$ % Rate of Tax (Repealed)
- 150.445 Tax Collection Brackets for a 3 $\frac{3}{4}$ % Rate of Tax (Repealed)
- 150.450 Tax Collection Brackets for a 4% Rate of Tax (Repealed)
- 150.455 Tax Collection Brackets for a 4 $\frac{1}{8}$ % Rate of Tax (Repealed)
- 150.460 Tax Collection Brackets for a 4 $\frac{1}{4}$ % Rate of Tax (Repealed)
- 150.465 Tax Collection Brackets for a 4 $\frac{1}{2}$ % Rate of Tax (Repealed)
- 150.470 Tax Collection Brackets for a 4 $\frac{3}{4}$ % Rate of Tax (Repealed)
- 150.475 Tax Collection Brackets for a 5% Rate of Tax (Repealed)
- 150.480 Tax Collection Brackets for a 5 $\frac{1}{8}$ % Rate of Tax (Repealed)
- 150.485 Tax Collection Brackets for a 5 $\frac{1}{4}$ % Rate of Tax (Repealed)
- 150.490 Tax Collection Brackets for a 5 $\frac{1}{2}$ % Rate of Tax (Repealed)
- 150.495 Tax Collection Brackets for a 5 $\frac{3}{4}$ % Rate of Tax (Repealed)
- 150.500 Tax Collection Brackets for a 6% Rate of Tax (Repealed)
- 150.505 Optional 1% Schedule (Repealed)
- 150.510 Exact Collection of Tax Required When Practicable
- 150.515 Prohibition Against Retailer's Representing That He Will Absorb The Tax
- 150.520 Display of Tax Collection Schedule (Repealed)
- 150.525 Methods for Calculating Tax on Sales of Items Subject to Differing Tax Rates

SUBPART E: RECEIPT FOR THE TAX

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Section
150.601 Requirements

SUBPART F: SPECIAL INFORMATION FOR TAXABLE USERS

Section
150.701 When and Where to File a Return
150.705 Use Tax on Items that are Titled or Registered in Illinois
150.710 Procedure in Claiming Exemption from Use Tax
150.715 Receipt for Tax or Proof of Exemption Must Accompany Application for Title or
Registration
150.716 Display Certificates for House Trailers
150.720 Issuance of Title or Registration Where Retailer Fails or Refuses to Remit Tax
Collected by Retailer from User
150.725 Direct Payment of Tax by User to Department on Intrastate Purchase Under
Certain Circumstances
150.730 Direct Reporting of Use Tax to Department by Registered Retailers

SUBPART G: REGISTRATION OF OUT-OF-STATE RETAILERS

Section
150.801 When Out-of-State Retailers Must Register and Collect Use Tax
150.805 Voluntary Registration by Certain Out-of-State Retailers
150.810 Incorporation by Reference

SUBPART H: RETAILERS' RETURNS

Section
150.901 When and Where to File
150.905 Deduction for Collecting Tax
150.910 Incorporation by Reference
150.915 Itemization of Receipts from Sales and the Tax Among the Different States from
Which Sales are Made into Illinois

SUBPART I: PENALTIES, INTEREST, STATUTE OF LIMITATIONS
AND ADMINISTRATIVE PROCEDURES

Section
150.1001 General Information

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SUBPART J: TRADED-IN PROPERTY

Section

150.1101 General Information

SUBPART K: INCORPORATION OF ILLINOIS
RETAILERS' OCCUPATION TAX REGULATIONS BY REFERENCE

Section

150.1201 General Information

SUBPART L: BOOKS AND RECORDS

Section

150.1301 Users' Records

150.1305 Retailers' Records

150.1310 Use of Signs to Prove Collection of Tax as a Separate Item

150.1315 Consequence of Not Complying with Requirement of Collecting Use Tax
Separately From the Selling Price

150.1320 Incorporation by Reference

SUBPART M: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

150.1401 Claims for Credit – Limitations – Procedure

150.1405 Disposition of Credit Memoranda by Holders Thereof

150.1410 Refunds

150.1415 Interest

150.TABLE A Tax Collection Brackets

AUTHORITY: Implementing the Use Tax Act [35 ILCS 105] and authorized by Section 2505-90 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-90].

SOURCE: Adopted August 1, 1955; amended at 4 Ill. Reg. 24, p. 553, effective June 1, 1980; amended at 5 Ill. Reg. 5351, effective April 30, 1981; amended at 5 Ill. Reg. 11072, effective October 6, 1981; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 3704, effective March 12, 1984; amended at 8 Ill. Reg. 7278, effective May 11, 1984; amended at 8 Ill. Reg. 8623,

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effective June 5, 1984; amended at 11 Ill. Reg. 6275, effective March 20, 1987; amended at 14 Ill. Reg. 6835, effective April 19, 1990; amended at 15 Ill. Reg. 5861, effective April 5, 1991; emergency amendment at 16 Ill. Reg. 14889, effective September 9, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1947, effective February 2, 1993; amended at 18 Ill. Reg. 1584, effective January 13, 1994; amended at 20 Ill. Reg. 7019, effective May 7, 1996; amended at 20 Ill. Reg. 16224, effective December 16, 1996; amended at 22 Ill. Reg. 21670, effective November 25, 1998; amended at 24 Ill. Reg. 10728, effective July 7, 2000; amended at 25 Ill. Reg. 953, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1821, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 5059, effective March 23, 2001; amended at 25 Ill. Reg. 6540, effective May 3, 2001; amended at 25 Ill. Reg. 10937, effective August 13, 2001; amended at 26 Ill. Reg. 971, effective January 15, 2002; amended at 26 Ill. Reg. 9902, effective June 24, 2002; amended at 27 Ill. Reg. 1607, effective January 15, 2003; emergency amendment at 27 Ill. Reg. 11209, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; emergency amendment at 28 Ill. Reg. 15266, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7079, effective April 26, 2005; emergency amendment at 32 Ill. Reg. 8806, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 17554, effective October 24, 2008; amended at 32 Ill. Reg. 19149, effective December 1, 2008; amended at 38 Ill. Reg. 20022, effective October 1, 2014; amended at 39 Ill. Reg. 11085, effective July 21, 2015.

SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section 150.310 Exemptions to Avoid Multi-State Taxation

- a) To prevent actual or likely multi-state taxation, the tax shall not apply to the use of tangible personal property in this State under the following circumstances:
 - 1) The use, in this State, of tangible personal property acquired outside this State by a nonresident individual and brought into this State by that individual for his or her own use while temporarily within this State or while passing through this State;
 - 2) the use, in this State, of tangible personal property by an interstate carrier for hire as rolling stock moving in interstate commerce; or by lessors under a lease of one year or longer executed or in effect at the time of purchase of tangible personal property to interstate carriers for hire for use as rolling stock moving in interstate commerce, as long as so used by the interstate carriers for hire. When tangible personal property is purchased

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by a lessor under a lease for one year or longer, executed or in effect at the time of purchase to an interstate carrier for hire who did not pay Use Tax to the retailer, the lessor (by the last day of the month following the calendar month in which the property reverts to the use of the lessor) shall file a return with the Department and pay the tax upon the fair market value of the property on the date of the reversion. For more details concerning this exemption, see 86 Ill. Adm. Code 130.340 of the Retailers' Occupation Tax regulations; the same principles apply for Use Tax purposes;

- 3) *the use, in this State, of tangible personal property that is acquired outside this State and caused to be brought into this State by a person who has already paid a tax in another state in respect to the sale, purchase or use of that property, to the extent of the amount of the tax properly due and paid in the other state; for this purpose, "state" includes the District of Columbia [35 ILCS 105/3-55(d)];*
- 4) the temporary storage, in this State, of tangible personal property acquired outside this State that, subsequent to being brought into this State and stored here temporarily, is used solely outside this State or is physically attached to or incorporated into other tangible personal property that is used solely outside this State, or is altered by converting, fabricating, manufacturing, printing, processing or shaping, and, as altered, is used solely outside this State;
- 5) the temporary storage in this State of building materials and fixtures acquired either in this State or outside this State by an Illinois registered combination retailer and construction contractor, and that the purchaser thereafter uses outside this State by incorporating the property into real estate located outside this State;
- 6) *beginning on January 1, 2002 and through June 30, ~~2016~~2011, the use of tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported*

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outside this State and thereafter used or consumed solely outside this State. [35 ILCS 105/3-55(j)]

- A) "Centralized purchasing" means the procurement of tangible personal property by persons who purchase tangible personal property solely for use or consumption outside Illinois, who take delivery of that tangible personal property in Illinois and who temporarily store that tangible personal property in Illinois prior to transporting it outside the State for use or consumption solely outside Illinois.
- i) For example, a business that maintains offices in several states and maintains storage facilities in Illinois purchases office equipment from an Illinois retailer, takes delivery of those items in Illinois and then stores them at its Illinois warehouse until they are shipped to its offices outside Illinois for use there can qualify for the exemption.
 - ii) For example, a lessor that purchases an item from an Illinois retailer specifically to fulfill its obligations under an existing lease with a lessee located outside Illinois, takes delivery of that item in Illinois and then stores that item at an Illinois warehouse until it is shipped to its lessee's out-of-State location can qualify for the exemption so long as the item is used solely outside Illinois.
 - iii) However, a lessor who purchases an item that is not dedicated to an existing lease with an out-of-State lessee, takes delivery of that item in Illinois and then places it in an Illinois rental inventory cannot qualify for the exemption even if the item is subsequently leased to an out-of-State lessee. This is true because, in Illinois, lessors are deemed to be the users of items purchased for rental inventories and placing an item in a rental inventory does not constitute storage.
- B) "Good standing" means the taxpayer has no final liability that the taxpayer is failing to pay. For purposes of this Section, final liability includes a notice of tax liability that has become final, an

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admitted liability, or a math error.

- C) Persons who wish to take advantage of this expanded temporary storage exemption must apply in writing to the Department to obtain an Expanded Temporary Storage Permit. Expanded Temporary Storage Permits cannot be assigned or transferred except when the holder of the permit is purchasing from an unregistered de minimis serviceman providing services as described in 86 Ill. Adm. Code 140.108. Other than this, only the person to whom the Expanded Temporary Storage Permit was issued by the Department may use that permit as described in this Section.
- D) Persons holding a valid Expanded Temporary Storage Permit may claim the expanded temporary storage exemption by providing their Illinois suppliers with a certification that the tangible personal property received in Illinois will be temporarily stored in Illinois for the purpose of being subsequently transported outside this State for use or consumption thereafter solely outside this State or for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The certification must identify the seller, the purchaser, and the property, and include the purchaser's Expanded Temporary Storage Permit number and signature.
 - i) If all of an Expanded Temporary Storage Permit holder's purchases qualify for the expanded temporary storage exemption, the Expanded Temporary Storage Permit holder may provide his or her supplier a blanket certificate of expanded temporary storage.
 - ii) If an Expanded Temporary Storage Permit holder knows that a certain percentage of all his or her purchases from a given seller will qualify for the expanded temporary storage exemption, he or she may provide a blanket certificate of expanded temporary storage stating that a designated percentage of purchases qualify for the expanded temporary storage exemption.

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- E) In the event that tangible personal property for which the expanded temporary storage exemption has been claimed is taken out of storage and not transported outside this State for use or consumption, but is instead used or consumed in Illinois, the purchaser shall pay the tax that would have been due, in the same form that the retailer would have paid the tax (i.e., Retailers' Occupation Tax and local Retailers' Occupation Tax, if applicable), at the rate applicable at the location of the retailer from which the tangible personal property was purchased. For example, if tangible personal property purchased from a retailer in Naperville is temporarily stored in Illinois, then, instead of being transported outside the State for use or consumption, is removed from inventory and used in Illinois, tax will be due at the retailer's rate applicable in Naperville. The permit holder must pay the tax directly to the Department on forms prescribed by the Department, not later than the twentieth day of the month following the month in which the property was removed from inventory.
- F) In the event that tangible personal property for which the expanded temporary storage exemption has been claimed is temporarily stored in Illinois and transported outside this State for use or consumption, but subsequently returned to Illinois and used here, the purchaser shall pay the tax that would have been due, in the same form that the retailer would have paid the tax (i.e., Retailers' Occupation Tax and local Retailers' Occupation Tax, if applicable), at the rate applicable at the location of the retailer from which the tangible personal property was purchased. For example, if tangible personal property purchased from a retailer in Naperville is temporarily stored in Illinois and transported outside this State for use or consumption, but subsequently returned to Illinois and used here, tax will be due at the retailer's rate applicable in Naperville. Depreciation will be allowed as provided in Section 150.105(a). Also, credit shall be given for tax paid in another state in respect to the sale, purchase or use of the property, to the extent of the amount of the tax properly due and paid in the other state, as provided in subsection (a)(3) ~~of this Section~~.
- G) Permit holders who assume the liability for the Retailers'

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Occupation Tax and any applicable local Retailers' Occupation Tax are subject to the same rights, remedies, privileges, immunities, powers and duties, and are subject to the same conditions, restrictions, limitations, penalties, and definitions of terms and employ the same modes of procedures as are prescribed for retailers under the Retailers' Occupation Tax Act. For example, if a permit holder fails to timely file the proper return or make the proper payment of tax, that permit holder is not entitled to the 1.75% vendor discount applicable to the sales reported on that return and is subject to penalties and interest under the Uniform Penalty and Interest Act [35 ILCS 735].

- 7) the use, in this State, of a vehicle for which a drive-away decal has been issued under the provisions of 86 Ill. Adm. Code 130.605(b)(1). However, beginning July 1, 2008, if the purchaser of a motor vehicle claims the exemption provided in Section 130.605(b)(1) and the motor vehicle is then used in this State for ~~30 or more~~ than 30 days in a calendar year, the purchaser is liable for Use Tax on the purchase price of that motor vehicle, subject to credit for tax properly due and paid to any other state as provided in subsection (a)(3) ~~of this Section~~. The assessment of tax under this subsection (a)(7) by the Department is limited to the period for which it may issue a notice of tax liability under the Use Tax Act.
- 8) *beginning July 1, 2007, the use, in this State, of an aircraft described in subsection (a)(8)(A), (B) or (C), as defined in Section 3 of the Illinois Aeronautics Act.*
 - A) *If the aircraft is purchased in this State, all of the following three conditions must be met:*
 - i) *the aircraft leaves this State within 15 days after the later of either the issuance of the final billing for the purchase of the aircraft or the authorized approval for return to service, completion of the maintenance record entry, and completion of the test flight and ground test for inspection as required by 14 CFR 91.407;*
 - ii) *the aircraft is not based or registered in this State after the purchase of the aircraft; and*

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- iii) *the purchaser provides the Department with a signed and dated certification, on a form prescribed by the Department, certifying that the requirements of this subsection (a)(8)(A) are met. The certificate must also include the name and address of the purchaser, the address of the location where the aircraft is to be titled or registered, the address of the primary physical location of the aircraft, and other information that the Department may reasonably require.*
- B) *If the aircraft is temporarily located in this State for the purpose of a prepurchase evaluation, all of the following conditions must be met:*
- i) *the aircraft is not based or registered in this State after the prepurchase evaluation; and*
 - ii) *the purchaser provides the Department with a signed and dated certification, on a form prescribed by the Department, certifying that the requirements of this subsection (a)(8)(B) are met. The certificate must also include the name and address of the purchaser, the address of the location where the aircraft is to be titled or registered, the address of the primary physical location of the aircraft, and other information that the Department may reasonably require.*
- C) *If the aircraft is temporarily located in this State for the purpose of a post-sale customization, all of the following conditions must be met:*
- i) *the aircraft leaves this State within 15 days after the authorized approval for return to service, completion of the maintenance record entry, and completion of the test flight and ground test for inspection, as required by 14 CFR 91.407;*

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- ii) *the aircraft is not based or registered in this State either before or after the post-sale customization; and*
- iii) *the purchaser provides the Department with a signed and dated certification, on a form prescribed by the Department, certifying that the requirements of this subsection (a)(8)(C) are met. The certificate must also include the name and address of the purchaser, the address of the location where the aircraft is to be titled or registered, the address of the primary physical location of the aircraft, and other information that the Department may reasonably require. [35 ILCS 105/3-55(h-2)]*

D) The exemption provided under subsections (a)(8)(B) and (C) does not apply to tax incurred on any service transactions performed on the aircraft.

E) For purposes of subsection (a)(8):

"Based in this State" means hangared, stored, or otherwise used, excluding post-sale customizations as defined in this subsection (a)(8)(E), for 10 or more days in each 12-month period immediately following the date of the sale of the aircraft.

"Post-sale customization" means any improvement, maintenance, or repair that is performed on an aircraft following a transfer of ownership of the aircraft.

"Prepurchase evaluation" means an examination of an aircraft to provide a potential purchaser with information relevant to the potential purchase.

"Registered in this State" means an aircraft registered with the Department of Transportation, Aeronautics Division, or titled or registered with the Federal Aviation Administration to an address located in this State.

F) *If tax becomes due under this subsection (a)(8) because of the purchaser's use of the aircraft in this State, the purchaser shall file*

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a return with the Department and pay the tax on the fair market value of the aircraft. This return and payment of the tax must be made no later than 30 days after the aircraft is used in a taxable manner in this State. The tax is based on the fair market value of the aircraft on the date that it is first used in a taxable manner in this State. [35 ILCS 105/3-55(h-2)]

- b) Since exemptions described in subsections (a)(1), (3) and (4) do not exist as far as the Retailers' Occupation Tax is concerned, and since it would therefore serve no purpose to say that the exemptions exist for Use Tax purposes insofar as the seller is merely collecting Use Tax to reimburse himself or herself for Retailers' Occupation Tax on the same transaction, the Department believes that the legislative intention in these references to the acquisition of tangible personal property outside this State was to make the references apply to cases in which the only tax liability that could be involved is Use Tax liability.
- c) Therefore, exemptions described in subsections (a)(1), (3) and (4) would not apply except when the tangible personal property is acquired outside Illinois by the purchaser in such a way that there is no Retailers' Occupation Tax liability on the part of the seller in the same transaction.
- d) For information as to when sellers do or do not incur Retailers' Occupation Tax liability when shipping the tangible personal property from outside Illinois, see 86 Ill. Adm. Code 130.610 of the Retailers' Occupation Tax regulations.

(Source: Amended at 39 Ill. Reg. 11085, effective July 21, 2015)

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- 1) Heading of the Part: Secretary of State Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 2000
- 3) Section Number: 2000.5039 Adopted Action:
New Section
- 4) Statutory Authority: The Illinois Procurement Code [30 ILCS 500]
- 5) Effective Date of Rule: July 24, 2015
- 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 rule including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: April 17, 2015; 39 Ill. Reg. 5565
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes were made during the First Notice period. All technical changes recommended by JCAR were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The new Section sets out requirements for reporting of procurement communications by employees of the Secretary of State in order to comply with The Illinois Procurement Code.
- 16) Information and questions regarding these adopted rule shall be directed to:

Amy N. Williams

SECRETARY OF STATE

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Assistant General Counsel
298 Howlett Building
Springfield IL 62756

awilliams3@ilsos.net

- 17) Does this rulemaking require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 500/5-25] No. This rule was promulgated at the direction of the Procurement Policy Board.

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, GRANTMAKING, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XXV: SECRETARY OF STATE

PART 2000
SECRETARY OF STATE STANDARD PROCUREMENT

SUBPART A: GENERAL

Section	Title
2000.01	Title
2000.05	Policy
2000.08	Illinois Procurement Code
2000.10	Application
2000.15	Definition of Terms Used in This Part
2000.25	Property Rights

SUBPART B: PROCUREMENT RULES

Section	Rules
2000.525	Rules

SUBPART C: PROCUREMENT AUTHORITY

Section	Conduct and Oversight of Procurements
2000.1005	Conduct and Oversight of Procurements

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section	Illinois Procurement Bulletin
2000.1510	Illinois Procurement Bulletin
2000.1560	Supplemental Notice
2000.1570	Error in Notice
2000.1580	Direct Solicitation

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section

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- 2000.2005 General Provisions
- 2000.2010 Competitive Sealed Bidding
- 2000.2012 Multi-Step Sealed Bidding
- 2000.2015 Competitive Sealed Proposals
- 2000.2020 Small Purchases
- 2000.2025 Sole Economically Feasible Source Procurement
- 2000.2030 Emergency Procurements
- 2000.2035 Competitive Selection Procedures for Professional and Artistic Services
- 2000.2036 Other Methods of Source Selection
- 2000.2037 Tie Bids and Proposals
- 2000.2038 Mistakes
- 2000.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section

- 2000.2043 Suppliers
- 2000.2044 Vendor List/Required Use
- 2000.2045 Prequalification
- 2000.2046 Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section

- 2000.2047 Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

Section

- 2000.2050 Specifications and Samples

SUBPART I: CONTRACT TYPE

Section

- 2000.2055 Types of Contracts

SUBPART J: DURATION OF CONTRACTS

Section

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2000.2060 Duration of Contracts – General

SUBPART K: CONTRACT MATTERS

Section

2000.2560 Prevailing Wage
2000.2570 Equal Employment Opportunity; Affirmative Action
2000.2580 Subcontractors

SUBPART L: CONTRACT PRICING

Section

2000.2800 All Costs Included

SUBPART M: CONSTRUCTION AND
CONSTRUCTION RELATED PROFESSIONAL SERVICES

Section

2000.3005 Construction and Construction Related Professional Services

SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section

2000.4000 Applicability
2000.4005 Requests for Space/Department Responsibilities
2000.4010 General Acquisition Procedures
2000.4015 Acquisition of Leases by RFI
2000.4020 Leases Acquired by Other Methods
2000.4025 Renewal or Extension of Lease in Effect Prior to July 1, 1998
2000.4030 Renewal of Leases Entered into After July 1, 1998
2000.4035 Purchase Options
2000.4040 Lease Administration
2000.4045 Emergency Lease Procurement

SUBPART O: PREFERENCES

Section

2000.4505 Procurement Preferences
2000.4510 Resident Bidder Preference

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- 2000.4530 Correctional Industries
- 2000.4535 Sheltered Workshops for the Disabled
- 2000.4540 Gas Mileage
- 2000.4545 Small Business
- 2000.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

SUBPART P: ETHICS

- Section
- 2000.5013 Conflicts of Interest
- 2000.5015 Negotiations for Future Employment
- 2000.5020 Exemptions
- 2000.5030 Revolving Door
- 2000.5035 Disclosure of Financial Interests and Potential Conflicts of Interest
- 2000.5037 Vendor Registration, Certification and Prohibition on Political Contributions
- [2000.5039 Procurement Communication Reporting Requirement](#)

SUBPART Q: CONCESSIONS

- Section
- 2000.5310 Concessions

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

- Section
- 2000.5510 Complaints Against Vendors or Subcontractors
- 2000.5520 Suspension
- 2000.5530 Resolution of Contract Controversies
- 2000.5540 Violation of Statute or Rule
- 2000.5550 Protests
- 2000.5555 Hearings and Decisions

SUBPART S: SUPPLY MANAGEMENT AND DISPOSITIONS

- Section
- 2000.6010 Supply Management and Dispositions

SUBPART T: GOVERNMENTAL JOINT PURCHASING

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Section

- 2000.6500 General
2000.6510 No Agency Relationship

SUBPART U: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section

- 2000.7000 Severability
2000.7010 Government Furnished Property
2000.7015 Inspections
2000.7020 Records and Audits
2000.7025 Written Determinations
2000.7030 No Waiver of Sovereign Immunity

AUTHORITY: The Illinois Procurement Code [30 ILCS 500].

SOURCE: Emergency rule adopted at 22 Ill. Reg. 12208, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 20306, effective November 9, 1998; emergency amendment at 23 Ill. Reg. 5911, effective April 30, 1999, for a maximum of 150 days; emergency expired September 26, 1999; amended at 23 Ill. Reg. 13953, effective November 8, 1999; amended at 35 Ill. Reg. 4629, effective March 3, 2011; recodified Title header at 39 Ill. Reg. 5903; amended at 39 Ill. Reg. 11100, effective July 24, 2015.

SUBPART P: ETHICS

Section 2000.5039 Procurement Communication Reporting Requirement

- a) Unless otherwise specified in this Section, any written or oral communication received by a Secretary of State employee who, by the nature of his or her duties, has the authority to participate personally or substantially in the decision to award a State contract and that imparts or requests material information or makes a material argument regarding potential action concerning an active procurement matter, including, but not limited to, an application, a contract or a project, shall be reported to the SOS Procurement Policy Board. [30 ILCS 500/50-39(a)]
- 1) As soon as practicable, but in no event more than 30 days after receipt of the communication or the first in a series of related communications

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described in subsection (b), the Secretary of State employee shall report the communication to the SOS Procurement Policy Board.

2) No trade secrets or other proprietary or confidential information shall be included in any communication reported to the SOS Procurement Policy Board. [30 ILCS 500/50-39(b)]

b) A communication must be reported if it is material, regarding a potential action, relating to an active procurement matter, and not otherwise excluded from reporting.

1) Materiality

A) "Material information" is information that a reasonable person would deem important in determining his or her course of action. It is information pertaining to significant issues, including, but not limited to, price, quantity, and terms of payment or performance.

B) A "material argument" is a communication that a reasonable person would believe was made for the purpose of influencing a decision relating to a procurement matter. It does not include general information about products, services or industry best practices, or a response to a communication initiated by an SOS employee for the purpose of providing information to evaluate new products, trends, services, or technologies. [30 ILCS 500/50-39(g)]

C) In determining whether a communication is material, the SOS employee must consider:

i) whether the information conveyed is new or already known to the SOS (or repeated or restated privately) and other participants in the communication; and

ii) the likelihood that the information would influence a pending procurement matter.

2) A "potential action" is one that a reasonable person would believe could affect the initiation, development or outcome of a procurement matter.

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- 3) "Active procurement matter" means a procurement process beginning with the requisition or determination of need by an agency and continuing through the publication of an award notice or other completion of a final procurement action, the resolution of any protests, and the expiration of any protest or SOS Procurement Policy Board review period, if applicable. The Chief Procurement Officer may designate a document for an agency to use in documenting a determination of need. "Active procurement matter" also includes communications relating to change orders, renewals or extensions. [30 ILCS 500/50-39(g)] "Procurement processes" includes the processes of procuring specific goods, supplies, services, professional or artistic services, construction, leases of real property (whether the State is the lessor or lessee), or capital improvements, and includes master contracts, contracts for financing through use of installment or lease-purchase arrangements, renegotiated contracts, amendments to contracts, and change orders. Active procurement matters include:
- A) drafting, reviewing or preparing specifications, plans or requirements, including determining the method of source selection;
 - B) drafting, reviewing or preparing any Invitations for Bid, Requests for Information, Requests for Proposals, sole source procurement justifications, emergency procurement justifications or selection information;
 - C) evaluating bids, responses and offers, and other communications among an evaluation team and any technical advisors to the team relating to the evaluation of a procurement not yet awarded;
 - D) letting or awarding a contract;
 - E) resolving protests;
 - F) determining inclusion on prequalification lists or prequalification in general;

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- G) identifying potential conflicts of interest or voiding or allowing a contract, bid, offer or subcontract for a conflict of interest;
 - H) allowing a conflict or subcontract pursuant to Section 50-60 of the Code; and
 - D) determining, drafting, preparing, executing, denying or approving change orders or the renewal or extension of an existing contract.
- c) This Section does not apply to the following communications:
- 1) Statements by a person publicly made in a public forum. However, communications made in a public forum, if made again privately, must be reported;
 - 2) Statements regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of a matter;
 - 3) Communications regarding the administration and implementation of an existing contract, except communications regarding change orders or the renewal or extension of an existing contract;
 - 4) Statements made by an SOS employee to:
 - A) the employee's department head;
 - B) other SOS employees;
 - C) employees of the Executive Ethics Commission;
 - D) the Office of the Executive Inspector General for the Secretary of State; or
 - E) an employee of another State agency who, through the communication, is either:
 - i) exercising his or her experience or expertise in the subject matter of the particular procurement in the normal course

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of business, for official purposes, and at the initiation of the purchasing agency or the appropriate State Purchasing Officer; or

- ii) exercising oversight, supervisory or management authority over the procurement in the normal course of business and as part of official responsibilities;
 - 5) Unsolicited communications providing general information about products, services or industry best practices, before those products or services become involved in a procurement matter;
 - 6) Communications received in response to procurement solicitations pursuant to the Illinois Procurement Code, including, but not limited to, vendor responses to a Request for Information, Request for Proposal, Request for Qualifications, Invitation for Bid or a small purchase, sole source or emergency solicitation, or questions and answers posted to the Procurement Bulletin to supplement the procurement action, provided that the communications are made in accordance with the instructions contained in the procurement solicitation, procedures or guidelines;
 - 7) Communications that are privileged, protected or confidential under law;
 - 8) Communications that are part of a formal procurement process as set out by statute, rule or the solicitation, guidance or procedures, including, but not limited to, the posting of procurement opportunities, the processes for approving a procurement business case or its equivalent, fiscal approval, submission of bids, the finalizing of contract terms and conditions with an awardee or apparent awardee, and similar formal procurement processes. [30 ILCS 500/50-39(a)]
- d) Notwithstanding any exemption provided in subsection (c), an SOS employee must report any communication that imparts or requests material information or makes a material argument regarding a potential action concerning an active procurement matter if that communication attempts to influence through duress, coercion or the direct or indirect offer or promise of anything of value to any person or entity in consideration for any benefit or preference in the procurement process.

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- e) Notwithstanding any exemption provided in subsection (c), an SOS employee must report any communication that imparts or requests material information or makes a material argument regarding a potential action concerning an active procurement matter if the employee reasonably believes the communication was made for any improper purpose, including, but not limited to, providing an improper benefit, monetary or nonmonetary, to any person or entity.
- f) This Section does not apply to communications concerning procurements that are exempt from the Illinois Procurement Code.
- g) For purposes of this Section, "Secretary of State employee" or "SOS employee" means:
- 1) any person employed full-time, part-time or pursuant to a personal services contract and whose employment duties are subject to the direction and control of the SOS with regard to the material details of how the work is to be performed;
 - 2) any appointed or elected commissioner, trustee, director or board member of a board of the SOS; or
 - 3) any other person appointed to a position in or with the SOS, regardless of whether the position is compensated.
- h) For purposes of this Section, "public forum" includes any meeting that satisfies the notice requirements contained in Section 2.02 of the Open Meetings Act [5 ILCS 120], but also includes other public events that are advertised and generally open to the public. A meeting may be a public forum even if a reasonable fee is required, such as educational seminars and conferences.

(Source: Added at 39 Ill. Reg. 11100, effective July 24, 2015)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Evaluation of Educator Licensed Employees under Articles 24A and 34 of the School Code
- 2) Code Citation: 23 Ill. Adm. Code 50
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
50.20	Amendment
50.110	Amendment
50.310	Amendment
50.320	Amendment
- 4) Statutory Authority: 105 ILCS 5/24A-7
- 5) Effective Date of Rules: July 23, 2015
- 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 rule, 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*: April 3, 2015; 39 Ill. Reg. 4881
- 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 changes were requested, and no agreement letter was issued.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of the Rulemaking:

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PA 98-972, effective August 15, 2015, revamped the State assessment system, replacing the requirements found at Section 2-3.64 of the School Code with new Section 2-3.64a-5, thereby necessitating a revision to the statutory citation used in Sections 50.110 and 50.310.

A similar change has been made in Section 50.20(e). Section 50.20 responds to Section 24A-2.5 of the School Code, which sets forth the timeline for school districts to implement teacher and principal performance evaluations systems that incorporate data and indicators of student growth. Starting in the 2015-16 school year, school districts that have not yet implemented performance evaluation systems and whose student performance ranks in the lowest 20 percent among all districts statewide will be required to begin using these systems, and Section 50.20(e) of the rules states the basis upon which the determination of "lowest performing" will be made.

When calculating the districts that are the lowest performing, Section 50.20(e) uses test results from the 2011, 2012 and 2013 test administrations of the Illinois Standards Achievement Test (ISAT) and Prairie State Achievement Examination (PSAE), the tests authorized under Section 2-3.64 of the School Code. Despite the repeal of Section 2-3.64, however, the rule must continue to rely on results from the assessments that were authorized under that law. For this reason, a cross-reference to the law has been replaced with specific mention of the ISAT and PSAE even though they are no longer the State assessments. This change will make the rule's intent clear.

Staff also amended Section 50.310 to address the use of the school climate survey authorized under Section 2-3.153 of the School Code (i.e., the 5Essentials Survey) when evaluating principals and assistant principals. The survey results help to inform school improvement efforts, school and individual principal's growth goals, and the school community's discussion about the climate of their school. In this way, the information gleaned from the survey may be valuable in helping a principal or assistant principal identify areas of improvement and other goals that will be used in the evaluation process. Given the survey's broad parameters, however, the results will not be used as a separate, weighted outcome measure for purposes of determining a principal's or assistant principal's final performance evaluation rating. The rule also limits any information relative to school climate that is used as part of an evaluation to only those results from a survey instrument authorized under Section 2-3.153 of the School Code.

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- 16) Information and questions regarding these adopted rules should be directed to:

Jason Helfer, Assistant Superintendent
Department of Educator Effectiveness
Illinois State Board of Education
100 North First Street
Springfield IL 62777

217/557-6763

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER b: PERSONNEL

PART 50
EVALUATION OF EDUCATOR LICENSED EMPLOYEES
UNDER ARTICLES 24A AND 34 OF THE SCHOOL CODE

SUBPART A: GENERAL REQUIREMENTS

Section	
50.10	Purpose
50.20	Applicability
50.30	Definitions

SUBPART B: PERFORMANCE EVALUATION PLANS: TEACHERS

Section	
50.100	Plan Components Required for the Evaluation of Teachers
50.110	Student Growth Components
50.120	Professional Practice Components for Teachers
50.130	Reporting

SUBPART C: STATE PERFORMANCE EVALUATION MODEL FOR TEACHERS

Section	
50.200	Implementation Requirements
50.210	Components of the State Performance Evaluation Model
50.220	Student Learning Objective Process
50.230	Performance Evaluation Rating

SUBPART D: PERFORMANCE EVALUATION PLANS:
PRINCIPALS AND ASSISTANT PRINCIPALS

Section	
50.300	Plan Components Required for the Evaluation of Principals and Assistant Principals
50.310	Student Growth Components

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50.320 Professional Practice Components for Principals and Assistant Principals
50.330 Reporting

SUBPART E: TRAINING FOR EVALUATORS

Section
50.400 School District-Developed Prequalification Process or Retraining Program
50.410 Minimum Requirements for Prequalification Process and Retraining Program
50.420 Competencies of Qualified Evaluators

50.APPENDIX A Illinois Standards for Principal Evaluation

AUTHORITY: Implementing and authorized by Section 24A-7 of the School Code [105 ILCS 5/24A-7].

SOURCE: Old Part repealed at 29 Ill. Reg. 15902, effective October 3, 2005; new Part adopted at 36 Ill. Reg. 8330, effective May 21, 2012; amended at 38 Ill. Reg. 19741, effective September 29, 2014; amended at 38 Ill. Reg. 23175, effective November 19, 2014; amended at 39 Ill. Reg. 11112, effective July 23, 2015.

SUBPART A: GENERAL REQUIREMENTS

Section 50.20 Applicability

Sections 24A-2.5 and 24A-15 of the School Code [105 ILCS 5/24A-2.5 and 24A-15] establish the dates for specific groups of school districts (or for schools within certain districts) to implement performance evaluation systems, including both professional practice and data and indicators of student growth, for teachers, principals, and assistant principals that meet the requirements of this Part and Article 24A of the School Code and, for City of Chicago School District 299 (CPS), Sections 34-8 and 34-85c of the School Code [105 ILCS 5/34-8 and 34-85c].

- a) Each school district shall implement a performance evaluation system for principals by September 1, 2012. (See Section 24A-15 of the School Code.)
- b) Each school district located outside of the city of Chicago shall implement a performance evaluation system for assistant principals by September 1, 2012. (See Section 24A-15 of the School Code.)

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- c) CPS shall implement a performance evaluation system for teachers *in at least 300 schools by September 1, 2012 and in the remaining schools by September 1, 2013.* (Section 24A-2.5 of the School Code)
- d) School districts that have received a grant under Section 1003(g) of Title I of the Elementary and Secondary Education Act (ESEA; 20 USC 6301 et seq.), as reauthorized by the No Child Left Behind Act of 2001 (PL 107-110), or under Race to the Top (American Recovery and Reinvestment Act of 2009, Section 14005-6, Title XIV (Public Law 111-5)) shall implement a performance evaluation system for teachers in those schools that are covered by Section 1003(g) or Race to the Top funds by the date set forth in the approved grants. (See Section 24A-2.5 of the School Code.)
- e) School districts located outside of the City of Chicago whose student performance ranks in the lowest 20 percent among all Illinois school districts shall implement a performance evaluation system for teachers by September 1, 2015. (See Section 24A-2.5 of the School Code.) For purposes of this subsection (e), "student performance" shall be determined based upon a school district's overall performance on the [Illinois Standards Achievement Test and/or Prairie State Achievement Examination](#)~~State assessments authorized under Section 2-3.64 of the School Code [105 ILCS 5/2-3.64]~~, as determined by averaging the district's composite results from the 2011, 2012 and 2013 test administrations.
- f) Any school district not subject to subsection (c) or (e) and schools located in school districts subject to subsection (d) that are not covered by a grant under Section 1003(g) of Title I of ESEA or Race to the Top shall implement a performance evaluation system for teachers by September 1, 2016. (See Section 24A-2.5 of the School Code.)
- g) In accordance with the provisions of Section 24A-2.5 of the School Code, a school district and either its exclusive bargaining representative of teachers or its teachers, if the teachers are not represented by an exclusive bargaining representative, may jointly agree to an implementation date that is earlier than the date specified in this Section for their district type. When an earlier implementation date is agreed upon, the school district shall provide to the State Board of Education, within 30 days after an agreement is executed, a dated copy of the written agreement specifying the agreed upon implementation date and signed by the district superintendent and the exclusive bargaining representative or teachers, as applicable.

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(Source: Amended at 39 Ill. Reg. 11112, effective July 23, 2015)

SUBPART B: PERFORMANCE EVALUATION PLANS: TEACHERS

Section 50.110 Student Growth Components

Each school district, when applicable (see Section 50.20 of this Part), shall provide for the use in the performance evaluation plan *of data and indicators on student growth as a significant factor in rating teacher performance*. (Section 24A-4(b) of the School Code) For the purpose of this Subpart B, "significant factor" shall represent at least 30 percent of the performance evaluation rating assigned, except as otherwise provided in subsection (a) of this Section. In situations in which a joint committee cannot reach agreement on one or more aspects of student growth within the timeline established under Section 24A-4(b) of the School Code, the school district shall adopt the State model plan contained in Subpart C of this Part with respect to those aspects of student growth upon which no agreement was reached.

- a) Student growth shall represent at least 25 percent of a teacher's performance evaluation rating in the first and second years of a school district's implementation of a performance evaluation system under Section 50.20 ~~of this Part~~ (for example, 2012-13 and 2013-14 school years for a school district with a 2012-13 implementation date). Thereafter, student growth shall represent at least 30 percent of the rating assigned.
- b) The performance evaluation plan shall identify at least two types of assessments for evaluating each category of teacher (e.g., career and technical education, grade 2) and one or more measurement models to be used to determine student growth that are specific to each assessment chosen. The assessments and measurement models identified shall align to the school's and district's school improvement goals.
 - 1) The joint committee shall identify a measurement model for each type of assessment that employs multiple data points. The evaluation plan shall include the use of at least one Type I or Type II assessment and at least one Type III assessment. Assessments used for each data point in a measurement model may be different provided that they address the same instructional content.

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- 2) The joint committee shall identify the specific Type I or Type II assessment to be used for each category of teacher.
- 3) The evaluation plan shall require that at least one Type III assessment be used for each category of teacher. If the joint committee determines that neither a Type I nor a Type II assessment can be identified, then the evaluation plan shall require that at least two Type III assessments be used.
 - A) The plan shall state the general nature of any Type III assessment chosen (e.g., teacher-created assessments, assessments designed by textbook publishers, student work samples or portfolios, assessments of student performance, and assessments designed by staff who are subject or grade-level experts that are administered commonly across a given grade or subject area in a school) and describe the process and criteria the qualified evaluator and teacher will use to identify or develop the specific Type III assessment to be used.
 - B) A school district required to use two Type III assessments for any category of teachers may delay the use of the second Type III assessment until the second year of implementation.
- 4) The plan shall identify student growth expectations consistent with the assessments and measurement model to be used, as appropriate.
- 5) Each plan shall identify the uniform process (to occur at the midpoint of the evaluation cycle) by which the teacher will collect data specific to student learning. The data to be considered under this subsection (b)(5) shall not be the same data identified for use in the performance evaluation plan to rate the teacher's performance.
 - A) The data the teacher collects shall not be used to determine the performance evaluation rating.
 - B) The teacher should use the data to assess his or her progress and adjust instruction, if necessary.

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- c) The joint committee shall consider how certain student characteristics (e.g., special education placement, English language learners, low-income populations) shall be used for each measurement model chosen to ensure that they *best measure the impact that a teacher, school and school district have on students' academic achievement.* [105 ILCS 5/24A-7]
- d) If the rating scale to be used for student growth does not correspond to the performance evaluation ratings required under Section 24A-5(e) or 34-85c of the School Code, then the plan shall include a description of the four rating levels to be used and how these are aligned to the required performance evaluation ratings.
- e) CPS may adopt, when applicable, one or more State assessments administered pursuant to Section ~~2-3.64a-52-3.64~~ of the School Code [\[105 ILCS 5/2-3.64a-5\]](#) *as its sole measure of student growth for purposes of teacher evaluations.* (Section 24A-7 of the School Code) In circumstances in which the school district determines that the State assessment is not appropriate for measuring student growth for one or more grade levels or categories of teachers, it shall identify other assessments to be used in the manner prescribed in this Section.

(Source: Amended at 39 Ill. Reg. 11112, effective July 23, 2015)

SUBPART D: PERFORMANCE EVALUATION PLANS:
PRINCIPALS AND ASSISTANT PRINCIPALS

Section 50.310 Student Growth Components

Each school district shall provide for the use in the performance evaluation plan *of data and indicators on student growth as a significant factor in rating principal or, as applicable, assistant principal performance.* (Sections 24A-15 and 34-8 of the School Code) For the purpose of this Subpart D, "significant factor" shall represent at least 30 percent of the performance evaluation rating assigned, except as otherwise provided in subsection (a) of this Section.

- a) Student growth shall represent at least 25 percent of a principal's or assistant principal's performance evaluation rating in the first and second years of a school district's implementation of a performance evaluation system under Section 50.20 [of this Part](#) (for example, 2012-13 and 2013-14 school years for a school district with a 2012-13 implementation date). Thereafter, student growth shall represent at least 30 percent of the rating assigned.

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- b) No later than October 1 of each school year, the qualified evaluator shall inform the principal or assistant principal of the assessments and, for the assessments identified, the measurement models and targets to be used. The qualified evaluator shall specify the weights of each assessment and target to be used.
- 1) The school district shall identify at least two assessments, either from Type I or Type II, which are able to provide data that meet the definition of student growth as set forth in Section 50.30 ~~of this Part~~.
- A) A State assessment administered under Section ~~2-3.64a-52-3.64~~ of the School Code may be one of the assessments to be used for determining student growth and shall be considered to be a Type I assessment.
- B) Type III assessments may be used for schools serving a majority of students who are not administered a Type I or Type II assessment. In these situations, the qualified evaluator and principal may identify at least two Type III assessments to be used to determine student growth.
- C) CPS may adopt the State assessments administered pursuant to Section ~~2-3.64a-52-3.64~~ of the School Code *as its sole measure of student growth for purposes of principal evaluations*. (Section 24A-7 of the School Code) In circumstances in which the school district determines that the State assessment is not appropriate for measuring student growth, it shall identify other assessments to be used in the manner prescribed in this Section.
- 2) Individual assessment results of any student shall be included in the student growth measurement model, provided that the student has been enrolled in the school for a period of time sufficient for him or her to have results from at least two points in time on a comparable assessment. For instance, a student would be included if he or she had results from the two most recently administered State assessments or results from an assessment administered at the beginning of a school term and again at mid-year.

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- 3) The results from the most recent administration of a selected assessment shall be used as the ending point at which the level of student growth is calculated.
- c) For an assistant principal, a qualified evaluator may select student growth measures that align to the individual's specific duties (e.g., improvements in attendance, decrease in disciplinary referrals).
- d) The school district shall consider how certain student characteristics (e.g., special education placement, English language learners, low-income populations) shall be used for each assessment and target chosen to ensure that they *best measure the impact that a principal, school and school district have on students' academic achievement.* (Section 24A-7 of the School Code)

(Source: Amended at 39 Ill. Reg. 11112, effective July 23, 2015)

Section 50.320 Professional Practice Components for Principals and Assistant Principals

Consideration of the professional practice of a principal and, as applicable, assistant principal shall comprise a minimum of 50 percent of the performance evaluation rating and include each of the following elements.

- a) Any instruments and rubric used to evaluate the professional practice of a principal or assistant principal shall align to the Illinois Standards for Principal Evaluation (see Appendix A ~~of this Part~~).
- 1) The rubric shall state the indicators for each standard and provide a clear description of at least four performance levels to be considered for each indicator.
- 2) A school district may choose to adopt the rubric contained in the State performance evaluation model for principals, developed pursuant to Section 24A-7 of the School Code, or it may develop its own rubric. Any school district that uses a rubric other than the rubric contained in the State model shall establish a process to ensure that all principals, assistant principals, and principal evaluators are familiar with and understand the content of the rubric, the different levels of performance used for professional practice, and how the overall professional practice rating will be determined.

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- b) No later than February 1 of each year, or June 1 of each year for schools located in CPS, each principal or, as applicable, assistant principal shall complete a self-assessment that is aligned to the rubric to be used to evaluate professional practice. The self-assessment shall be used as one input in determining a principal's or assistant principal's professional practice rating.
- c) Observations
- 1) The plan shall provide for a minimum of two formal observations at the school in which the principal or assistant principal is employed.
 - A) The qualified evaluator shall observe school practices and may directly observe the principal's or assistant principal's interactions and activities during his or her work day.
 - B) The formal observation shall be scheduled in advance and shall include at least one objective for the observation (e.g., reviewing classrooms, observing leadership team meetings).
 - C) Feedback from the formal observations shall be provided in writing (electronic or paper) to the principal or assistant principal no later than 10 principal work days after the day on which the observation occurred. For the purpose of this subsection (c)(1)(C), a "principal work day" is any day in which the principal or assistant principal is contractually obligated to work, regardless of whether students are present.
 - D) Other evidence and information received by the qualified evaluator that would have a negative impact on the evaluator's rating of the principal (e.g., parent complaints) shall be shared with the principal within the timeline established in subsection (c)(1)(C) ~~of this Section.~~
 - 2) There is no limit on the number of informal observations that a qualified evaluator may conduct, provided that he or she deems the informal evaluations necessary to fully assess the performance of the principal or assistant principal being evaluated. Evidence gathered during informal

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observations may be considered in determining the performance evaluation rating, provided it is documented in writing.

- d) If a district chooses to use professional practice ratings that do not correspond to the performance evaluation ratings required to be used under Section 24A-15 or 34-8 of the School Code, then it shall ensure that the four levels chosen align to the required performance evaluation ratings.
- e) The school district or qualified evaluator shall inform the principal or assistant principal how evidence of professional practice collected will be used to determine a professional practice rating.
- f) In providing feedback to principals or assistant principals on the instructional environment within a school (Section 24A-20 of the School Code), as applicable to an evaluation plan, the school district or qualified evaluator shall use only the results from a school climate survey authorized under Section 2-3.153 of the School Code [105 ILCS 5/2-3.153]. The results may be used to help the principal set priorities and goals, but shall not be used as a single measure to determine a principal's performance evaluation rating.

(Source: Amended at 39 Ill. Reg. 11112, effective July 23, 2015)

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- 1) Heading of the Part: Transitional Bilingual Education
- 2) Code Citation: 23 Ill. Adm. Code 228
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
228.5	Amendment
228.15	Amendment
- 4) Statutory Authority: 105 ILCS 5/Art. 14C
- 5) Effective Date of Rules: July 23, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: April 3, 2015; 39 Ill. Reg. 4894
- 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 changes were requested, and no agreement letter was issued.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: Two Public Acts have necessitated technical changes in Part 228.

PA 98-639, effective June 9, 2014, amended Section 27A-5 of the School Code to require charter schools to comply with federal and State laws and regulations for the provision of services to English learners. The rules make note of this mandate

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in two different Sections. First, the definition of "school district" in Section 228.10 already acknowledges that the term includes charter schools. The current rulemaking makes a similar change in Section 228.5(b) to apply the provisions of Part 228 to charter schools.

PA 98-972, effective August 15, 2015, revamped the State assessment system, replacing the requirements found at Section 2-3.64 of the School Code with new Section 2-3.64a-5. Section 228.15(e)(1) discusses the circumstances for not administering a screening instrument to a transfer student, which include meeting or exceeding Illinois Learning Standards in reading and math on the "most recent State assessment administered under Section 2-3.64 of the School Code". The statutory citation in this rule has been updated to Section 2-3.64a-5 of the School Code. To recognize that a transfer student's most recent assessment may be one that was authorized under Section 2-3.64 of the School Code, staff included the term "predecessor assessment" since Section 2-3.64 no longer exists and therefore cannot be cited.

16) Information and questions regarding these adopted rules should be directed to:

David Nieto, Division Administrator
Division of English Language Learning
Illinois State Board of Education
100 W. Randolph, Suite 14-300
Chicago IL 60602

312/814-2220

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 228
TRANSITIONAL BILINGUAL EDUCATION

Section

228.5	Purpose and Applicability
228.10	Definitions
228.15	Identification of Eligible Students
228.20	Student Language Classification Data
228.25	Program Options, Placement, and Assessment
228.27	Language Acquisition Services for Certain Students Exiting the Program
228.30	Establishment of Programs
228.35	Personnel Qualifications; Professional Development
228.40	Students' Participation; Records
228.50	Program Plan Approval and Reimbursement Procedures
228.60	Evaluation

AUTHORITY: Implementing Article 14C and authorized by Section 2-3.39(1) of the School Code [105 ILCS 5/Art. 14C and 2-3.39(1)].

SOURCE: Adopted May 28, 1976; codified at 8 Ill. Reg. 5176; Part repealed, new Part adopted at 11 Ill. Reg. 5969, effective March 23, 1987; amended at 17 Ill. Reg. 104, effective December 18, 1992; amended at 26 Ill. Reg. 898, effective January 15, 2002; amended at 27 Ill. Reg. 9996, effective June 20, 2003; amended at 30 Ill. Reg. 17434, effective October 23, 2006; amended at 34 Ill. Reg. 11581, effective July 26, 2010; amended at 35 Ill. Reg. 3735, effective February 17, 2011; amended at 35 Ill. Reg. 16870, effective September 29, 2011; amended at 37 Ill. Reg. 16803, effective October 2, 2013; amended at 38 Ill. Reg. 19757, effective September 29, 2014; amended at 39 Ill. Reg. 11125, effective July 23, 2015.

Section 228.5 Purpose and Applicability

- a) This Part establishes requirements for school districts' provision of services to students in preschool through grade 12 who have been identified as English learners in accordance with Article 14C of the School Code [105 ILCS 5/14C] and this Part.

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- b) The requirements of Article 14C of the School Code and this Part shall apply to every school district in Illinois and each charter school established in accordance with Article 27A of the School Code [105 ILCS 5/Art. 27A], regardless of whether the district or charter school chooses to seek funding pursuant to Section 228.50 of this Part.

(Source: Amended at 39 Ill. Reg. 11125, effective July 23, 2015)

Section 228.15 Identification of Eligible Students

- a) Each school district shall administer a home language survey with respect to each student in preschool, kindergarten or any of grades 1 through 12 who is entering the district's schools or any of the district's preschool programs for the first time, for the purpose of identifying students who have a language background other than English. The survey should be administered as part of the enrollment process or, for preschool programs, by the first day the student commences participation in the program. The survey shall include at least the following questions, and the student shall be identified as having a language background other than English if the answer to either question is yes:
- 1) Whether a language other than English is spoken in the student's home and, if so, which language; and
 - 2) Whether the student speaks a language other than English and, if so, which language.
- b) The home language survey shall be administered in English and, if feasible, in the student's home language.
- c) The home language survey form shall provide spaces for the date and the signature of the student's parent or legal guardian.
- d) The completed home language survey form shall be placed into the student's temporary record as defined in 23 Ill. Adm. Code 375 (Student Records).
- e) The district shall screen the English language proficiency of each student identified through the home language survey as having a language background other than English by using the prescribed screening instrument applicable to the

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student's grade level (i.e., kindergarten or any of grades 1 through 12), as set forth in Section 228.10, or the prescribed screening procedures identified by the preschool program. This screening shall take place within 30 days either after the student's enrollment in the district or, for preschool programs, after the student commences participation in the program, for the purpose of determining the student's eligibility for bilingual education services and, if eligible, the appropriate placement for the student. For kindergarten, all students identified through the home language survey, including students previously screened when enrolled in preschool, must be screened using the prescribed screening instrument for kindergarten.

- 1) The prescribed screening instrument does not need to be administered to a student who, in his or her previous school district:
 - A) has been screened and identified as English language proficient as required in this subsection (e); or
 - B) has met the State exit requirements as described in Section 228.25(b)(2); or
 - C) has met all of the following criteria:
 - i) resides in a home where a language other than English is spoken, and
 - ii) has not been screened or identified as an English learner, and
 - iii) has been enrolled in the general program of instruction in the school he or she has previously attended, and
 - iv) has been performing at or above grade level as evidenced by having met or exceeded the Illinois Learning Standards in reading and math on the student's most recent State assessment administered pursuant to Section ~~2-3.64a-52-3.64~~ of the School Code [105 ILCS 5/~~2-3.64a-52-3.64~~] or its predecessor assessment or, for students for whom State assessment scores are not available, a nationally normed standardized test, provided that either assessment was not

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administered with accommodations for English learners. This provision applies only to a student who had been enrolled in any of the grades in which the State assessment is required to be administered in accordance with Section [2-3.64a-52-3.64](#) of the School Code or the grades in which any predecessor assessment was administered.

- 2) For purposes of eligibility and placement, a district must rely upon a student's score attained on the English language proficiency assessment prescribed under Section 228.25(b), if available from another school district or another state, provided that the score was achieved no sooner than the school year previous to the student's enrollment in the district.
- 3) If results are not available pursuant to subsection (e)(2), then a district must rely upon a student's score on the prescribed screening instrument if available from another school district or another state for the purposes of eligibility and placement for students entering any of grades 1 through 12, if the student's score on the prescribed screening instrument was achieved no more than 12 months prior to the district's need to assess the student's proficiency in English.
- 4) Each student whose score on the prescribed screening instrument or procedures, as applicable, is identified as not "proficient" as defined by the State Superintendent of Education shall be considered to be an English learner and therefore to be eligible for, and shall be placed into a program of, bilingual education services.
 - A) For preschool programs using a screening procedure other than an established assessment tool where "proficiency" is defined as part of the instrument, "proficiency" is the point at which performance identifies a child as proficient in English, as set forth in the program's proposed screening process.
 - B) For any preschool student who scores at the "proficient" level, the school district may consider additional indicators such as teachers' evaluations of performance, samples of a student's work, or information received from family members and school personnel in order to determine whether the student's proficiency in English is limited and the student is eligible for services.

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- f) Each district shall ensure that any accommodations called for in the Individualized Education Programs of students with disabilities are afforded to those students in the administration of the screening instrument or procedures, as applicable, discussed in this Section and the English language proficiency assessment prescribed under Section 228.25(b).
- g) The parent or guardian of any child resident in a school district who has not been identified as an English learner may request the district to determine whether the child should be considered for placement in a bilingual education program, and the school district shall make that determination upon request, using the process described in this Section.

(Source: Amended at 39 Ill. Reg. 11125, effective July 23, 2015)

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- 1) Heading of the Part: Enrollment of and Payment for Nonresident Students at the Philip J. Rock Center and School
- 2) Code Citation: 23 Ill. Adm. Code 600
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
600.10	New Section
600.20	New Section
600.100	New Section
600.110	New Section
600.120	New Section
600.130	New Section
600.140	New Section
600.200	New Section
600.210	New Section
600.220	New Section
600.230	New Section
600.240	New Section
600.250	New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Rules: July 23, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: April 3, 2015; 39 Ill. Reg. 4901
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

The definition of "room and board" in Section 600.20 was modified to remove a reference to "education and related services".

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"Annual" was added to the title of Section 600.120, in the Table of Contents and in the body of the rules.

The meaning of "business association" was clarified in Section 600.230(k), as per agreements with JCAR.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: The Philip J. Rock Center and School (PRC) was established in 1975 under Section 14-11.02 of the School Code [105 ILCS 5/14-11.02]. PRC is a statewide service center and school that provides special education or career and technical rehabilitation programs for students who are both deaf and blind and who meet the eligibility criteria set forth in the law. The school serves children who are ages 3 to 21, while the center serves eligible individuals of all ages. The law also establishes the Advisory Board for Services for Persons who are Deaf-Blind (IABDB), whose charge is to provide advice concerning policy and legislative matters to the State Superintendent of Education, Governor and General Assembly. The advisory board was in favor of the rulemaking.

The PRC is funded by a state appropriation of nearly \$3.6 million, which is distributed to the PRC through its administrative agent, Keeneyville SD 20. Currently, the school enrolls 11 students, providing both residential and educational services. Enrollment in the school has been declining for a number of years; however, the cost of administering and operating the school portion of the PRC remains the same despite the enrollment decrease.

Since the school has a capacity of 25 students, officials from the PRC and Keeneyville school district approached State Board staff in spring 2014 inquiring as to whether the school would be allowed to accept for enrollment eligible students who do not reside in Illinois (i.e., "nonresident students"). Enrollment of nonresident students on a tuition basis, they said, could augment state funding and potentially reduce the amount needed, depending on the number of nonresident students enrolled. The PRC officials estimated

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that, based on current and anticipated enrollment of Illinois students, the school potentially could serve upwards of 10 nonresident students at any given time.

While Section 14-11.02 of the School Code does not limit the PRC's services to Illinois residents only, it also does not specifically authorize the provision of educational and residential services for students who live out of state. For this reason, rules articulate the policies, practices and fiscal conditions upon which nonresident students may be admitted to and enrolled in the school.

As noted, the rules would pertain only to the admission and enrollment of, and tuition and room and board costs for, nonresident students. First priority for enrollment would be given to students who are Illinois residents, allowing for the dismissal of nonresident students should the space be needed for the enrollment of eligible Illinois residents. Termination of nonresident students' enrollment would occur after proper notice is provided to the nonresident student's parents. (See Sections 600.100 and 600.140(c)(2).)

The admission process set forth at Section 600.120 includes the submission of an application, a pre-admission meeting for the purpose of understanding the student's educational and health needs, and timelines for the school to respond to a parent or other entity requesting the placement. PRC's executive director shall have discretion in accepting nonresident students for admission, with no right of appeal afforded to the parent or entity requesting placement should an application be denied. Additionally, PRC may choose to permit a nonresident student to attend on a provisional basis for a period of 30 or 60 school days in order to determine if the school can adequately meet the student's needs. (See Section 600.130.) The terms and conditions for enrollment also are included at Section 600.140 and will be set forth in an agreement that the school, parent and entity responsible for tuition and room and board costs must sign before the nonresident student may attend the school.

Subpart C of the rules sets forth a standard process that the State Superintendent would employ to annually determine the per diem rate to be charged of nonresident students. (See Section 600.210). The per diem rate is the maximum daily rate that the school may charge for educational and residential (i.e., room and board) services. The per diem rate considers the budgeted costs of educating all students at the school, rather than just the cost of educating nonresident students. An adjustment in the rate may be made once during a fiscal year should a review by the State Superintendent indicate that the school's actual expenditures are greater than 5 percent of the budgeted expenditures used to determine the rate. The per diem rate that the PRC charges may be up to 120 percent of

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the per diem costs established. Financial reporting and auditing requirements are found in Section 600.250.

- 16) Information and questions regarding these adopted rules should be directed to:

David Andel, Division Administrator
Division of Special Education Services
Illinois State Board of Education
100 North First Street, N-253
Springfield IL 62777

217/782-5589

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 6: MISCELLANEOUS

PART 600

ENROLLMENT OF AND PAYMENT FOR NONRESIDENT STUDENTS
AT THE PHILIP J. ROCK CENTER AND SCHOOL

SUBPART A: GENERAL PROVISIONS

Section	Purpose
600.10	Purpose
600.20	Definitions

SUBPART B: ADMISSION AND ENROLLMENT

Section	Purpose
600.100	Space Availability
600.110	Admission Criteria
600.120	Annual Admission Process
600.130	Provisional Attendance: Evaluation Period
600.140	Terms and Conditions of Enrollment

SUBPART C: FISCAL PROCEDURES

Section	Purpose
600.200	General Requirements
600.210	Per Diem Rate Calculation
600.220	Allowable Costs for Per Diem Rate Calculation
600.230	Costs Not Allowed for Per Diem Rate Calculation
600.240	Revenue Offsets
600.250	Cost Reports

AUTHORITY: Implementing Section 14-11.02 of the School Code [105 ILCS 5/14-11.02] and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6].

SOURCE: Old Part (Eye Protective Devices) repealed at 19 Ill. Reg. 6528, effective May 1, 1995; new Part adopted at 39 Ill. Reg. 11132, effective July 23, 2015.

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SUBPART A: GENERAL PROVISIONS

Section 600.10 Purpose

Section 14-11.02 of the School Code [105 ILCS 5/14-11.02] establishes the Philip J. Rock Center and School, a statewide service center and school that provides special education or career and technical rehabilitation programs for students who are both deaf and blind and who meet the eligibility criteria set forth in Section 14-11.02 of the School Code.

- a) This Part establishes the process for the enrollment of students, ages 3 to 21, in the School who reside outside of Illinois and meet the eligibility requirements set forth in Section 14-11.02 of the School Code [105 ILCS 5/14-11.02] and Section 600.110 of this Part.
- b) This Part further sets forth the procedures for determining the cost of educational and related services, and room and board, for nonresident students attending the School, and the procedures and timelines for local education agencies and/or state agencies, or the families of the nonresident student to pay the cost of educational and related services, and room and board.

Section 600.20 Definitions

As used in this Part:

"Admission" means a decision made by the Executive Director of the School to accept the nonresident student for enrollment in the School.

"Day" means calendar day unless otherwise specified in this Part. The time within which any action required under this Part must occur shall be determined in accordance with the provisions of Section 1.11 of the Statute on Statutes [5 ILCS 70/1.11].

"Director of Special Education" means the chief administrative officer of the special education programs and services of a school district or cooperative entity.

"Enrollment" means the decision by the nonresident student, parent or agency for the student to attend the School and the process of registering the nonresident student at the School.

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"Fiscal Year" means the period of time from July 1 through June 30.

"Funding Source" means the individual or entity that has the responsibility for the payment of the cost for educational and related services, and room and board, for the nonresident student placed at the School; that is, the parent of the nonresident student, the state educational agency (SEA) of the state in which the student resides, the local educational agency (LEA) in which the student is enrolled or other state agency of the state in which the student resides.

"Individualized Education Program" or "IEP" has the meaning set forth at 34 CFR 300.22 (July 2014).

"Local Educational Agency" or "LEA" has the meaning set forth at 34 CFR 300.28 (July 2014).

"Medical Expenses" means any expenses related to medical services, excluding nursing or health services identified in the nonresident student's IEP, provided to the nonresident student, including, but not limited to, physician visits, physician-ordered ancillary services, and prescription and nonprescription drugs.

"Nonresident Student" means a student whose resident district is not located in the State of Illinois.

"Other State Agency" means a state office, officer, department, division, bureau or commission, or any other state body that is authorized to fund an educational placement.

"Parent" has the meaning set forth at 34 CFR 300.30 (July 2014), except as otherwise provided in 23 Ill. Adm. Code 226.690(a) (Transfer of Parental Rights).

"Per Diem Rate" is the maximum daily rate for educational and residential (i.e., room and board) services, as calculated by the State Superintendent of Education pursuant to Subpart C, that may be charged to a funding source for a nonresident student attending the School.

"Related Organization" means an organization that:

Directly or indirectly controls, or is controlled by, the School; or

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Influences, or is influenced by, the School in terms of financial and operational policies; or

Is controlled or influenced by another organization that also controls or influences the School.

"Related Services" has the meaning set forth at 34 CFR 300.34 (July 2014).

"Resident District" means the school district in which the student resides as defined by any applicable laws of the state in which the student lives.

"Room and Board" means the cost of residential care services, which includes the costs customarily associated with the provision of food and dietary services, laundry services, housekeeping services, and other costs associated with the provision of domestic services (including salaries, wages, fringe benefits and supplies).

"School" means the school portion of the Philip J. Rock Center and School established under Section 14-11.02 of the School Code.

"State Educational Agency" or "SEA" has the meaning set forth at 34 CFR 300.41 (July 2014).

"Transportation Costs" means all costs related to the transportation of the nonresident student to and from the School for noneducational purposes and to and from his or her residence to the School (e.g., at the beginning or conclusion of the school term, during school breaks, upon the student's termination from the program for any reason, or upon his or her completion of the program).

"Tuition" means the cost of educational services (e.g., classroom instruction and other activities) provided during school hours and the cost of related services that are intended to meet the annual goals and the short-term objectives set forth in the nonresident student's IEP, to include instructional materials and supplies, as well as the salaries, wages and fringe benefits of the School's staff who provide educational and related services.

SUBPART B: ADMISSION AND ENROLLMENT

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Section 600.100 Space Availability

- a) Eligible nonresident students may be enrolled in the School on a space availability basis only. A nonresident student shall not be enrolled in or retained at the School to the exclusion of any qualified and eligible student who is a resident of the State of Illinois.
- b) Written notification of a student's termination of enrollment due to space availability shall be in accordance with the procedures set forth at Section 600.140(c)(2).

Section 600.110 Admission Criteria

In order to be considered for admission to the School, the nonresident student shall meet the same criteria as is required of students who are residents of Illinois.

- a) The nonresident student must meet the age requirements specified in Section 600.10(a).
- b) The nonresident student must meet one of the criteria set forth in this subsection (b).
 - 1) Have a visual impairment and an auditory impairment, as defined in Section 14-11.02 of the School Code; or
 - 2) Have a condition in which there is progressive loss of hearing and vision, as defined in Section 14-11.02 of the School Code.

Section 600.120 Annual Admission Process

A nonresident student or his or her parent, an SEA, an LEA, or other state agency requesting enrollment of a nonresident student in the School shall follow the process set forth in this Section.

- a) The person or entity seeking admission of the nonresident student shall submit an application to the Executive Director of the School that addresses, at a minimum, basic information about the student and his or her family, including the student's name and address; a description of his or her disability and/or severity of his or her needs; grade level in which the student is enrolled at the time application is

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made; the student's date of birth; the student's resident district; and the funding source for the student's placement at the School. Applications shall be addressed to:

Executive Director
Philip J. Rock School and Center
818 DuPage Boulevard
Glen Ellyn, Illinois 60137

- b) Following receipt of the application, the Executive Director of the School shall determine whether the nonresident student meets the criteria for admission specified in Section 600.110 and whether there is space available at the School to serve the student. If the student meets the admission criteria and space is available, the School shall schedule a pre-admission meeting to review the student's educational and health records; meet with the student and his/her family; and determine the student's medical, educational and other needs.
- 1) The pre-admission meeting shall be held no later than 30 school days following the receipt of the application and shall at least include the parent of the nonresident student and the funding source.
 - 2) The meeting may be held on-site or through teleconference or video-conferencing at a time agreeable to all parties. Any costs for travel and lodging associated with attendance at the meeting shall be the responsibility of the person or entity seeking admission of the nonresident student to the School.
 - 3) No later than 30 school days after the pre-admission meeting, the Executive Director shall send written notification to the person or entity requesting admission as to whether the nonresident student:
 - A) meets the admission criteria and may enroll in the School; this notification shall include at least a registration packet, an enrollment agreement (see Section 600.140) and other information about the process for enrollment;
 - B) meets the admission criteria and may be admitted provisionally pursuant to Section 600.130; this notification shall include at least the items listed in subsection (b)(3)(A); or

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- C) did not meet the admission criteria.
- 4) The decision to deny admission to a nonresident student or to admit the student provisionally rests with the Executive Director of the School and is not subject to appeal.
- c) If the nonresident student's SEA or LEA is the funding source for the nonresident student, the School shall contact (either in writing or by telephone) the director of special education of the student's resident district to determine a plan for the enrollment of the student and his or her transition to the School. The plan will provide for:
 - 1) the direct transfer of the nonresident student to the School;
 - 2) the provisional enrollment of the student in accordance with the provisions of Section 600.130; or
 - 3) a meeting to review the nonresident student's IEP, in accordance with 34 CFR 300.320 and 300.324 (July 2014), by the student's resident district and staff of the School prior to the student being enrolled at the School.
- d) The nonresident student's resident district shall transfer all relevant student school records or educational records, as these terms are defined in the Illinois School Student Records Act [105 ILCS 110], 23 Ill. Adm. Code 375 (Student Records), and the Family Educational Rights and Privacy Act (20 USC 1232g; 34 CFR 99 (2015)).
- e) Continued attendance of a nonresident student after the initial year shall be contingent upon the outcome of the annual admission process set forth in this Section (also see Section 600.140(a)(3)).

Section 600.130 Provisional Attendance: Evaluation Period

- a) Based on a determination made in accordance with Section 600.120(b), a nonresident student may be provisionally admitted to the School and enrolled for either 30 or 60 school days. This provisional attendance is to evaluate the student's potential eligibility for a longer-term attendance at the School and/or to determine whether the student's educational needs may be met by the School.

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- b) Privately funded nonresident students seeking provisional attendance shall pay, or guarantee by a bona fide guarantor, the full cost of tuition and room and board for the period of the provisional attendance, as well as testing and administrative costs, before the nonresident student may be enrolled in the School.

Section 600.140 Terms and Conditions of Enrollment

Upon enrollment in the School, the parents of the nonresident student, the funding source and a representative of the School shall sign an enrollment agreement that stipulates the terms and conditions set forth in this Section. Failure of the parents or funding source to comply with the terms and conditions set forth in this Section may result in the termination of the enrollment agreement.

- a) The parents of the nonresident student understand and agree:
 - 1) To provide or arrange for the transportation of the nonresident student, unless otherwise provided for by the funding source pursuant to the nonresident student's IEP or other written agreement.
 - 2) To pay for any physician visits, physician-ordered ancillary services, and prescription and nonprescription drugs. Medical charges may be billed to the parent by the School or directly by the provider of the service. These medical expenses shall be detailed in a quarterly invoice to the parent, unless other arrangements for the payment are agreed to in writing by both the parent and School.
 - 3) That the nonresident student's admission to and retention at the School is subject to space availability with first priority given to those Illinois residents found to be qualified and eligible for admission to the School (see Section 600.100).
- b) The funding source understands and agrees:
 - 1) To pay tuition and room and board fees established by the State Superintendent of Education as set forth in the enrollment agreement and Subpart C.

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- 2) To provide all pertinent evaluations and re-evaluations, as defined by 34 CFR 300.301 and 300.303 (July 2014), requested by the School if written consent for the release can be obtained from the parent, including a written copy of the IEP addressing the evaluation or re-evaluation, and, if applicable, a written summary of student's individual needs, which is to be attached to the enrollment agreement.
 - 3) Prior to the nonresident student's attendance at the School, to provide a copy of the nonresident student's most recent IEP that has been developed in accordance with the requirements set forth at 34 CFR 300.320 and 300.321 (July 2014).
 - 4) To conduct, in conjunction with the School and parent of the nonresident student, an annual review of the nonresident student's educational needs, which may include a justification for continued placement at the School, as applicable. Written documentation of the review shall be provided to the School.
 - 5) In consultation with the School and parent, to perform testing and evaluation of the nonresident student at least every three years or more frequently if requested by the nonresident student's resident district.
 - 6) To provide or arrange for the transportation of the Student to the extent that the transportation is the responsibility of the funding source, as provided for in the nonresident student's IEP or other written agreement.
 - 7) To provide a written definition of "credit hour" and the number of credit hours the resident district requires the nonresident student to complete in each subject area.
 - 8) To notify the parent and the School of its intent to terminate the enrollment agreement, following the process set forth in subsection (c)(2).
- c) The School agrees:
- 1) To provide the funding source, if other than the parent:

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- A) Monthly reports of the nonresident student's attendance. Written notice shall be provided to the funding source immediately after five consecutive days of unexcused absence.
 - B) Reports regarding all testing and evaluations of the nonresident student that are conducted by the School in compliance with the nonresident student's IEP.
 - C) Information and progress statements necessary for the annual review required under subsection (b)(4) that is conducted by the funding source for the determination of the future placement of the student.
 - D) Notification of any changes, as these changes occur, in the location of the physical facilities of the School, or in the program or staff if changes in either would affect the School's ability to deliver the educational and related services identified in a nonresident student's IEP.
 - E) Other reports that the SEA and/or LEA of the nonresident student may reasonably require of the School from time to time.
 - F) Notification of any change in residence or guardianship of the nonresident student, if known to the School.
- 2) School Closing or Termination of Enrollment
If the School closes or a nonresident student's enrollment in the School's program is terminated, to provide written notification to the parent of the nonresident student and funding source, if other than the parent, at least 30 days before termination.
- A) The written notification shall be sent by certified mail, return receipt requested, to the parent and, if applicable, the funding source.
 - B) If the School terminates a nonresident student's enrollment in the School's program, the notification shall state the reason for the termination.

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- C) If the School is closing, the notification shall state the date of the closure and the name, address and telephone number of the person who is responsible for making arrangements for the closure.

SUBPART C: FISCAL PROCEDURES

Section 600.200 General Requirements

- a) The per diem rate shall be determined annually as set forth in Section 600.210. The per diem rate shall be not less than the per capita costs established in the fiscal year immediately preceding the fiscal year in which the nonresident student is enrolled.
- 1) The per diem rate shall be charged to the funding source on a monthly basis, except as otherwise provided in Section 600.130(b).
 - 2) The per diem rate for any nonresident student who, pursuant to the IEP, is served in the School for less than full time shall be prorated according to the percentage of time the student is actually served in the program.
 - 3) A failure on the part of the funding source to make payments required under subsection (a)(1) in a timely manner shall be just cause for immediate dismissal of the nonresident student upon 30 days' notice to the funding source (see Section 600.140(c)).
- b) A nonresident student's parents or the student's funding source shall have responsibility for all medical expenses and transportation costs, except that nursing/health services and transportation that are identified as related services in the nonresident student's IEP shall be provided as part of the child's education and by the child's resident school district.
- 1) The nonresident student's parents or funding source shall indicate in the enrollment agreement the person or entity that bears responsibility for paying medical and transportation costs. The responsible party shall provide documentation related to the nonresident student's medical needs so as to ensure that the student receives proper medical services while at the School.

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- 2) The Executive Director may elect to require that an escrow account funded by the parents or funding source be established for medical and transportation expenses.
 - A) The Executive Director shall notify the parents or funding source in writing if an escrow account is to be established.
 - B) The amount the parent or funding source is to place in the escrow account shall be equal to the estimated amount, as determined by the Executive Director, of a month's medical and transportation expenses for the nonresident student.
- 3) The parents or funding source shall be responsible for transporting the nonresident student from the School, located at the address shown in Section 600.120(a), upon the student's termination of enrollment in the program (also see Section 600.140(c)(2)).

Section 600.210 Per Diem Rate Calculation

For each fiscal year, the State Superintendent of Education shall determine the per diem rate to be charged of nonresident students attending the School based on the cost of educating all students attending the School. The State Superintendent of Education, or his or her designee, shall provide the School written notification of the per diem rate determination no later than July 1 of each fiscal year.

- a) Per diem costs shall be calculated by dividing the net allowable costs less any revenue offsets, as these terms are defined in Sections 600.220 and 600.240, by the total student attendance days.
 - 1) The costs used in the calculation shall be those enumerated in the School's cost report required under Section 600.250(a) and shall consider any additional financial information deemed necessary to conduct the calculation, as requested by the State Superintendent of Education.
 - 2) The per diem rate charged of nonresident students may be up to 120 percent of the approved calculated per diem costs.
- b) The State Superintendent may adjust the per diem rate one time during the fiscal year in which it is in effect.

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- 1) In instances in which the December 31 attested cost report required under Section 600.250(b) indicates that the School's actual expenditures are greater than 5 percent of the expenditures budgeted, the State Superintendent, after a review of the actual expenditures, may determine that an adjustment in the per diem rate is appropriate.
- 2) The State Superintendent of Education, or his or her designee, shall provide the School written notification of any adjustment made to the per diem rate.
- c) The per diem rate shall be effective at the beginning of the affected fiscal year of the School. When the per diem rate is adjusted during the affected fiscal year after a review authorized in subsection (b), the effective date of the adjusted per diem rate shall be determined by the State Superintendent of Education.

Section 600.220 Allowable Costs for Per Diem Rate Calculation

- a) Allowable costs shall be approved by the State Superintendent of Education and include only those costs that are reasonable and necessary for the accomplishment of program goals and objectives.
 - 1) For the purpose of this Section, "reasonable cost" is a cost that, in its nature or amount, does not exceed that which would be incurred by a prudent buyer under the circumstances prevailing at the time the decision was made to incur the costs.
 - 2) Accordingly, the School shall seek to approve expenditures for goods and services at a cost that is as low as possible without sacrificing the quality of the goods or services received.
- b) The costs that are listed in this subsection (b) shall be considered allowable, except as may be excluded in Section 600.230:
 - 1) Salaries, wages and fringe benefits for qualified staff and fees for consultants involved in the direct planning and delivery of classroom educational services, including teachers and teacher aides, and the supplies and overhead costs necessary to carry out these activities.

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- 2) Salaries, wages and fringe benefits for qualified staff and fees for consultants involved in the direct delivery of program-related services, including speech and language clinicians, audiologists, occupational therapists, social workers, counselors, psychologists, recreation workers, vocational training personnel and school health services personnel, and the supplies and overhead costs necessary to carry out these activities.
- 3) Salaries, wages and fringe benefits for qualified staff and fees for consultants involved in the direct delivery of residential care services, including habilitation/child care workers, and the supplies and overhead costs necessary to carry out these activities.
- 4) Food and dietary, occupancy, administrative, transportation and other costs essential to the program. For the purposes of this subsection (b)(4), "occupancy" means those costs associated with the operation and maintenance of the physical plant, all lease or rental costs, and all interest.

Section 600.230 Costs Not Allowed for Per Diem Rate Calculation

This Section lists the costs that shall be considered nonallowable or nonreimbursable costs and therefore shall not be used to calculate the per diem rate.

- a) Health services paid by a third party provider or services that are not included in the nonresident student's IEP.
- b) Expenses resulting from transactions with related organizations that are greater than the expenses to the related organization.
 - 1) When the School makes rent or lease payments to a related organization, the rent or lease expense is disallowed and the capital costs of the related organization must be used.
 - 2) Interest expense paid to a related organization is disallowed; however, interest expense incurred by the related organization is allowable.
 - 3) The cost of goods and services purchased from a related organization shall be allowable to the extent that the cost to the School does not exceed the cost to the related organization.

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- 4) The School may be required to submit evidence to substantiate or refute any claim of relatedness in determining allowable costs.
 - 5) The School shall identify all transactions with related organizations in their annual filing of the cost report required under Section 600.250(a).
 - 6) Allowable costs of related organizations shall be added to the School's costs for the same cost centers for determination of reasonable cost standards applicable to the School's costs.
- c) Research cost, other than costs for program evaluation.
 - d) Compensation to nonworking administrators and nonworking administrators' salaries.
 - e) Entertainment expenses.
 - f) Costs associated with fundraising activities.
 - g) Costs of production, including wages paid to students, incurred solely for the purpose of generating revenue from the sale of goods and services. Wages paid to students and other services approved by the State Superintendent of Education for vocational training or educational arts and craft activities are allowable, even if they generate revenue.
 - h) Interest payments related to a School's assets that are unrelated to the School's programs.
 - i) Costs incurred by administrators or boards of directors for nonprogram activities, including that portion of overhead that should be allocated to these activities.
 - j) Printing expenses not related to the program.
 - k) Employee travel, lodging, food and registration expenses to attend conferences, conventions and meetings related to lobbying activities, professional association business (e.g., participation in activities by organizations promoting deaf-blind support) or entertainment. Costs to attend conferences and conventions held in Illinois or, if held out of state, within 50 miles of the borders of Illinois, are allowable under the following conditions:

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- 1) The conference or convention is specifically related to deaf/blind programs, or the conference, convention or meeting was sponsored by the State.
 - 2) Allowable conference and convention expenses shall be grouped under administrative costs.
 - 3) Allowable employee development or training costs incurred to meet Illinois educator licensure requirements may be reported under program costs.
- l) Dues to national, State and parent organizations.
 - m) Scholarships or awards and grants to individuals.
 - n) Fees for professional, technical, social or other organizations unrelated to the program.
 - o) Nonclient transportation, including staff transportation to and from work. Program-related staff transportation is an allowable cost.
 - p) Meals provided to individuals who are not clients.
 - q) Fines and penalties.
 - r) Mortgage and loan principal payments.
 - s) Contributions and donations by the School.
 - t) Asset acquisition costs, which are the costs of items reported on the School's books when those costs exceed \$2,500 for items having a life of one year or more. Depreciation for these items is, however, an allowable expense.
 - u) Legal expenses incurred on behalf of clients for nonprogram activities or for litigation against governmental agencies.
 - v) Imputed value of goods and services (in-kind expenses).

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- w) Severance pay.
- x) Sales tax for not-for-profit organizations.
- y) Clothing and allowances.
- z) Costs of advertising for clients and public relations.

Section 600.240 Revenue Offsets

This Section sets forth the revenue offsets that may be used to calculate the per diem rate. Private contributions and nongovernmental revenues granted to the School for improving or enhancing its program shall not be offset. The sources of revenue that shall be considered offset are:

- a) Revenues from federally funded school breakfast and lunch programs and the Child and Adult Care Food Program. These revenues shall be offset against the cost of meals. Cafeteria and vending machine revenues shall be offset against the costs of operating meal programs.
- b) Revenues for special education, related services, and room and board, insofar as any income not related to a specific client is received from any federal agency.

Section 600.250 Cost Reports

The School shall file the reports listed in this Section electronically in a format prescribed by the State Superintendent of Education and within the timelines specified.

- a) **Cost Report**
The cost report is due no later than the May 1 immediately preceding the fiscal year to which the report applies and shall convey budgeted cost and revenue projections for that fiscal year.
- b) **Attested Cost Report**
 - 1) An attested cost report is due no later than 20 days after the end of each quarter (i.e., September 30, December 31, March 31 and June 30).

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- 2) Each attested cost report shall contain expenditures on a cash accounting basis and revenue information on an accrual basis that are year-to-date from the beginning of the fiscal year.
 - 3) Each attested cost report shall include any outstanding obligations, with the exception of payroll expenses, that are expected to be paid within 30 days after the end of the quarter.
- c) Financial Audit and Consolidated Financial Report
- 1) No later than 120 days before the end of the fiscal year, the School shall submit a financial audit, performed by a certified public accountant licensed under the Illinois Public Accounting Act [225 ILCS 450], for the fiscal year just completed.
 - 2) The School shall complete and submit a Consolidated Financial Report in an electronic format specified by the State Superintendent with the financial audit required under subsection (c)(1).

AUGUST AGENDA

JOINT COMMITTEE ON ADMINISTRATIVE RULES

MICHAEL A. BILANDIC BUILDING
ROOM 600C
CHICAGO, ILLINOIS
AUGUST 11, 2015
11:00 A.M.

***NOTICE:** It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSEmergency Management Agency

32-326-15-06743 JE

1. Financial Assurance Requirements (32 Ill. Adm. Code 326)
 - First Notice Published: 39 Ill. Reg. 6743 – 5/15/15
 - Expiration of Second Notice: 8/14/15

32-330-15-06748 JE

2. Licensing of Radioactive Material (32 Ill. Adm. Code 330)
 - First Notice Published: 39 Ill. Reg. 6748 – 5/15/15
 - Expiration of Second Notice: 8/14/15

32-331-15-06824 JE

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3. Fees for Radioactive Material Licensees (32 Ill. Adm. Code 331)
-First Notice Published: 39 Ill. Reg. 6824 – 5/15/15
-Expiration of Second Notice: 8/14/15

Gaming Board

86-3000-15-06730 LB

4. Riverboat Gambling (86 Ill. Adm. Code 3000)
-First Notice Published: 39 Ill. Reg. 6730 – 5/15/15
-Expiration of Second Notice: 8/20/15

Health Facilities and Services Review Board

77-1110-15-05540 AC

5. Processing, Classification Policies and Review Criteria (77 Ill. Adm. Code 1110)
-First Notice Published: 39 Ill. Reg. 5540 – 4/17/15
-Expiration of Second Notice: 8/22/15

Higher Education

23-1009-15-05945 BT

6. Dual Credit Courses (23 Ill. Adm. Code 1009)
-First Notice Published: 39 Ill. Reg. 5945 – 5/1/15
-Expiration of Second Notice: 9/3/15

23-1033-15-06985 BT

7. Higher Education Distance Learning and Interstate Reciprocity (23 Ill. Adm. Code 1033)
-First Notice Published: 39 Ill. Reg. 6985 – 5/22/15
-Expiration of Second Notice: 9/3/15

Human Services

89-113-15-05969 AC

8. Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)
-First Notice Published: 39 Ill. Reg. 05969 – 5/1/14
-Expiration of Second Notice: 8/22/15

Insurance

50-2009-15-01436 MR

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9. Group Coordination of Benefits (50 Ill. Adm. Code 2009)
-First Notice Published: 39 Ill. Reg. 1436 – 1/23/15
-Expiration of Second Notice: 8/27/15

50-5430-15-06006 MR

10. Health Carrier External Review (50 Ill. Adm. Code 5430)
-First Notice Published: 39 Ill. Reg. 6006 – 5/1/15
-Expiration of Second Notice: 9/2/15

Natural Resources

17-3045-15-06013 BT

11. Off-Highway Vehicles Recreational Trails Grant Program (17 Ill. Adm. Code 3045)
-First Notice Published: 39 Ill. Reg. 6013 – 5/1/15
-Expiration of Second Notice: 8/12/15

17-3090-15-05325 BT

12. Recreational Trails Program (17 Ill. Adm. Code 3090)
-First Notice Published: 39 Ill. Reg. 5325 – 4/10/15
-Expiration of Second Notice: 8/26/15

Public Health

77-250-15-06184 AC

13. Hospital Licensing Requirements (77 Ill. Adm. Code 250)
-First Notice Published: 39 Ill. Reg. 06184 – 5/8/14
-Expiration of Second Notice: 8/22/15

77-515-15-06217 AC

14. Emergency Medical Services, Trauma Center, Primary Stroke Center and Emergent Stroke Ready Hospital Code (77 Ill. Adm. Code 515)
-First Notice Published: 39 Ill. Reg. 06217 – 5/8/14
-Expiration of Second Notice: 8/22/15

77-775-14-18346 AC

15. Grade A Pasteurized Milk and Milk Products (77 Ill. Adm. Code 775)
-First Notice Published: 38 Ill. Reg. 18346 – 9/5/14
-Expiration of Second Notice: 8/22/15

77-949-14-17283 AC

AUGUST AGENDA

16. Smoke Free Illinois Code (77 Ill. Adm. Code 949)
-First Notice Published: 38 Ill. Reg. 17283 – 8/5/14
-Expiration of Second Notice: 8/20/15

Revenue

86-130-15-00252 ES

17. Retailers' Occupation Tax (86 Ill. Adm. Code 130)
-First Notice Published: 39 Ill. Reg. 252 – 1/2/15
-Expiration of Second Notice: 8/13/15

86-130-15-07221 ES

18. Retailers' Occupation Tax (86 Ill. Adm. Code 130)
-First Notice Published: 39 Ill. Reg. 7221 – 5/22/15
-Expiration of Second Notice: 8/21/15

EMERGENCY RULEMAKINGSHealthcare and Family Services

89-140-15-10427E EMS

19. Medical Payment (89 Ill. Adm. Code 140)
-First Notice Published: 39 Ill. Reg. 10427 – 7/24/15

89-148-15-10453E EMS

20. Hospital Services (89 Ill. Adm. Code 148)
-First Notice Published: 39 Ill. Reg. 40453 – 7/24/15

Human Services

89-50-15-10072E EMS

21. Child Care (89 Ill. Adm. Code 50)
-First Notice Published: 39 Ill. Reg. 10072 – 7/17/15

Labor Relations Board

80-1200-15-10641E LB

22. General Procedures (80 Ill. Adm. Code 1200)
-First Notice Published: 39 Ill. Reg. 10641 – 7/31/15

Racing Board

AUGUST AGENDA

11-1413-15-10465E LB

23. Entries, Subscriptions, and Declarations (11 Ill. Adm. Code 1413)
-First Notice Published: 39 Ill. Reg. 10465 – 7/24/15

INTERNAL RULEMAKINGSHuman Rights

2-926-15-09327A ES

24. Access to Records of the Department of Human Rights (Repealer) (2 Ill. Adm. Code 926)
-First Notice Published: 39 Ill. Reg. 9327 – 7/10/15

2-926-15-09330A ES

25. Access to Records of the Department of Human Rights (2 Ill. Adm. Code 926)
-First Notice Published: 39 Ill. Reg. 9330 – 7/10/15

Natural Resources

2-826-15-09943 ES

26. Freedom of Information (Repealer) (2 Ill. Adm. Code 826)
-First Notice Published: 39 Ill. Reg. 9943 – 7/17/15

2-826-15-09945 ES

27. Freedom of Information (New Part) (2 Ill. Adm. Code 826)
-First Notice Published: 39 Ill. Reg. 9945 – 7/17/15

EXEMPT RULEMAKINGSEmergency Management Agency

32-341-15-06838X JE

28. Radioactive Materials Transportation (32 Ill. Adm. Code 341)
-First Notice Published: 39 Ill. Reg. 6838 – 5/15/15

32-350-15-06845X JE

29. Radiation Safety Requirements for Industrial Radiographic Operations (32 Ill. Adm. Code 350)
-First Notice Published: 39 Ill. Reg. 6845 – 5/15/15

AGENCY RESPONSE

AUGUST AGENDA

77-2110-15-01427 EMS

30. Perinatal Mental Health Disorders Prevention and Treatment (77 Ill. Adm. Code 2110)

-First Notice Published: 39 Ill. Reg. 1427 – 1/23/15

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of July 21, 2015 through July 27, 2015. Rulemakings are scheduled for review at the Committee's August 11, 2015 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>
9/3/15	<u>Board of Higher Education</u> , Dual Credit Courses (23 Ill. Adm. Code 1009)	5/1/15 39 Ill. Reg. 5945	8/11/15
9/3/15	<u>Illinois Board of Higher Education</u> , Higher Education Distance Learning and Interstate Reciprocity (23 Ill. Adm. Code 1033)	5/22/15 39 Ill. Reg. 6985	8/11/15

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 39, Issue 32 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

89 - 120	10667
77 - 465	10685
20 - 1231	10717

ADOPTED RULES

77 - 4500	7/27/2015	10751
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56 - 2765	7/27/2015	10768
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89 - 148	7/27/2015	10824
47 - 220	7/24/2015	10868
47 - 250	7/24/2015	10870
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17 - 510	7/27/2015	10897
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23 - 228	7/23/2015	11125
23 - 600	7/23/2015	11132

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