

2009

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 33, Issue 44
October 30, 2009
Pages 14650-14873

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

Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

TABLE OF CONTENTS

October 30, 2009 Volume 33, Issue 44

PROPOSED RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF
Acquisition, Management and Disposal of Real Property
44 Ill. Adm. Code 5000.....14650

DEPARTMENT OF LABOR, ILLINOIS
Health and Safety
56 Ill. Adm. Code 350.....14657

ENVIRONMENTAL PROTECTION AGENCY
Procedures For Providing Grants From the Illinois Clean Diesel Grant
Program
35 Ill. Adm. Code 261.....14664

GAMING BOARD, ILLINOIS
Video Gaming (General)
11 Ill. Adm. Code 1800.....14667

ADOPTED RULES

NATURAL RESOURCES, DEPARTMENT OF
Duck, Goose and Coot Hunting
17 Ill. Adm. Code 590.....14671

Illinois List of Endangered and Threatened Fauna
17 Ill. Adm. Code 1010.....14739

Illinois List of Endangered and Threatened Flora
17 Ill. Adm. Code 1050.....14748

EMERGENCY RULES

ENVIRONMENTAL PROTECTION AGENCY
Procedures For Providing Grants From the Illinois Clean Diesel Grant
Program
35 Ill. Adm. Code 261.....14764

GAMING BOARD, ILLINOIS
Video Gaming (General)
11 Ill. Adm. Code 1800.....14793

STATEMENT OF RECOMMENDATION TO PROPOSED RULEMAKING

JOINT COMMITTEE ON ADMINISTRATIVE RULES
HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF
Medical Payment
89 Ill. Adm. Code 140.....14836

**NOTICE OF AGENCY RESPONSE TO AN OBJECTION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES**

NATURAL RESOURCES, DEPARTMENT OF
Dam Safety Requirements
17 Ill. Adm. Code 3703.....14837

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received.....14839

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

POLLUTION CONTROL BOARD

Notice of Public Information Pursuant to 415 ILCS 5/7.2(b).....14841

REVENUE, DEPARTMENT OF

2009 Third Quarter Sales & Miscellaneous Tax Sunshine Index.....14844

2009 Third Quarter Income Tax Sunshine Index.....14853

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

Gubernatorial Proclamation

2009-297.....14858

Pain Awareness Month

2009-298.....14859

Choate Mental Health and Developmental Center's 140th Anniversary Celebration

2009-299.....14859

Chicago International Film Festival Days

2009-300.....14860

Sudden Infant Death Syndrome Awareness Month

2009-301.....14861

Breast Cancer Awareness Month and Mammography Day

2009-302.....14862

Childhood Lead Poisoning Prevention Week

2009-303.....14863

Chronic Obstructive Pulmonary Disease Awareness Month

2009-304.....14864

Respiratory Care Week

2009-305.....14865

Diversity Employment Day

2009-306.....14866

National Service Recognition Day

2009-307.....14866

Red Ribbon Week

2009-308.....14867

Safe Schools Week

2009-309.....14868

Diversity and Inclusion Day

2009-310.....14869

Greater Chicago Food Depository Day

2009-311.....14870

Lyme Disease Awareness Month

2009-312.....14871

Day of the Deployed	
2009-313.....	14872

INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2009

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

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

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 13, 2009 to January 4th, 2010 by 4:30 pm, as January 1st is a holiday and the office will be closed.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Acquisition, Management and Disposal of Real Property
- 2) Code Citation: 44 Ill. Adm. Code 5000
- 3) Section Number: 5000.341 Proposed Action:
New Section
- 4) Statutory Authority: Implementing and authorized by Sections 405-300, 405-210 and 405-215 of the Civil Administrative Code [20 ILCS 405] and Sections 40-5, 40-10 of the Illinois Procurement Code, and authorized by Section 6 of the State Property Control Act [30 ILCS 605]
- 5) A Complete Description of the Subjects and Issues Involved: New standards are being proposed to create benchmarks for allocating office space area per person in existing facilities, facilities newly acquired through transfer, purchase or lease with gross or rentable area greater than or lesser than 10,000 square feet, and where the building's useful life is extended through a capital appropriation in excess of 40% of the replacement cost of the building, or where tenant improvements to a lease exceed the current annual base rental cost. The new standards will not apply to facilities of less than 10,000 square feet unless the estimated cumulative cost savings derived from the reduction of rentable or usable area taken over a five-year period are exceeded by the cost associated with structural and interior alterations required to effectuate the reduction of office area per person. The office area per person standard is less than or equal to 275 rentable square feet person or 200 usable square feet per person. Interior spaces not to be included in the rentable or usable area of the facility for purposes of calculating the office area per person standards are also set forth.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: This proposed rulemaking is offered pursuant to a recommendation to the Chief Procurement Officer of CMS by the Procurement Policy Board.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 11) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Gina Wilson
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706

217/785-1793
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: it was not anticipated by CMS but rather recommended by the Procurement Policy Board.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT

SUBTITLE D: PROPERTY MANAGEMENT

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 5000

ACQUISITION, MANAGEMENT AND DISPOSAL OF REAL PROPERTY

SUBPART A: GENERAL

Section

- 5000.100 Authority
- 5000.110 Policy
- 5000.120 Applicability

SUBPART B: LEASED SPACE ACQUISITION POLICY

Section

- 5000.200 General Policy and Responsibility
- 5000.210 Requests for Space/Agency Responsibilities
- 5000.220 Acquisition Authority
- 5000.230 General Acquisition Procedures
- 5000.231 Acquisition of Leases by RFI
- 5000.232 Leases Acquired by Other Methods
- 5000.233 Renewal or Extension of Lease in Effect Prior to July 1, 1998
- 5000.234 Renewal of Leases Entered into After July 1, 1998
- 5000.235 Purchase Options
- 5000.240 Lease Administration
- 5000.250 Emergency Lease Procurement

SUBPART C: BUILDING STANDARDS

Section

- 5000.300 Scope
- 5000.310 Area Measurement
- 5000.320 Space Planning Assistance
- 5000.330 Open Space
- 5000.340 Space Allowance and Standards
- 5000.341 Office Area Per Person Standards

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 5000.350 Office Furnishing
- 5000.360 Handicapped Accessibility
- 5000.370 Vending Facilities/Blind Operators
- 5000.380 Improvements

SUBPART D: ASSIGNMENT AND MANAGEMENT OF SPACE

Section

- 5000.400 Assignment and Management by DCMS
- 5000.410 Assignment by Agencies
- 5000.420 Reviews and Appeal of Space Assignment Actions
- 5000.430 Services Provided
- 5000.440 Alterations
- 5000.450 Local Requirements

SUBPART E: UTILIZATION OF SPACE
(STATE-OWNED AND LEASED PROPERTIES)

Section

- 5000.500 Space Inspections and Surveys
- 5000.510 Responsibility of Agencies
- 5000.520 Release of Space Not Fully Utilized
- 5000.530 Notice to DCMS of Relinquishment or Termination of Space

SUBPART F: EXCESS REAL PROPERTY

Section

- 5000.600 Excess Real Property Defined
- 5000.610 Reports of Excess Real Property
- 5000.620 Utilization of Excess Real Property
- 5000.630 Charges for Use of Excess Property
- 5000.640 Temporary Occupancy
- 5000.650 Disputes
- 5000.660 Non-State Use

SUBPART G: SURPLUS REAL PROPERTY

Section

- 5000.700 Surplus Real Property Defined

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

5000.710	Declaration of Surplus
5000.720	Reporting Surplus Real Property
5000.730	Notice of Availability to State Agencies
5000.740	State Agency Requests for Surplus Real Property
5000.750	Transfer Decisions
5000.760	Transfer Procedures
5000.770	Transfer to Department of Central Management Services
5000.780	Subsequent Disposal
5000.790	Sale of Surplus
5000.800	Notice of Sale to Local Governments
5000.810	Local Government Offer to Purchase
5000.820	Public Sale
5000.830	Public Sale Procedures
5000.840	Non-State Interim Use

SUBPART H: USE OF OFFICE BUILDING

Section	
5000.900	Applicability
5000.901	Building Access and Security
5000.902	Security
5000.910	Definitions
5000.920	Business Hours and Public Access
5000.930	Prohibited Activities
5000.940	Demonstrations
5000.950	Exhibits and Special Events
5000.960	Distribution of Leaflets
5000.970	Severability
5000.APPENDIX A	Space Standards
5000.APPENDIX B	Rental Fees

AUTHORITY: Implementing Section 7.1 of the State Property Control Act [30 ILCS 605/7.1], implementing and authorized by Sections 5-675, 405-215, 405-300, 405-305, 405-310 and 405-315 of the Civil Administrative Code of Illinois [20 ILCS 5/5-675 and 20 ILCS 405/405-215, 405-300, 405-305, 405-310, 405-315] and authorized by Section 6 of the State Property Control Act [30 ILCS 605/6] and the Illinois Procurement Code [30 ILCS 500].

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

SOURCE: Adopted at 6 Ill. Reg. 12984, effective October 13, 1982; emergency amendment at 7 Ill. Reg. 3743, effective March 18, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 7825, effective June 22, 1983; emergency amendment at 8 Ill. Reg. 13444, effective July 17, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 19345; amended at 10 Ill. Reg. 636, effective December 31, 1985; amended at 17 Ill. Reg. 1006, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 2361, effective February 5, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10753, effective July 1, 1993; amended at 18 Ill. Reg. 1886, effective January 21, 1994; emergency amendment at 17 Ill. Reg. 15653, effective September 9, 1993, for a maximum of 150 days; amended at 19 Ill. Reg. 585, effective January 9, 1995; amended at 20 Ill. Reg. 15002, effective November 7, 1996; emergency amendment at 22 Ill. Reg. 12569, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20545, effective November 16, 1998; emergency amendment at 25 Ill. Reg. 15438, effective November 16, 2001, for a maximum of 150 days; emergency expired April 14, 2002; 26 Ill. Reg. 8083, effective May 17, 2002; amended at 27 Ill. Reg. 2105, effective January 27, 2003; emergency amendment at 29 Ill. Reg. 15686 effective November 17, 2004, for a maximum of 150 days; emergency expired April 15, 2005; amended at 30 Ill. Reg. 14094, effective August 10, 2006; amended at 31 Ill. Reg. 99, effective December 20, 2006; amended at 34 Ill. Reg. _____, effective _____.

SUBPART C: BUILDING STANDARDS

Section 5000.341 Office Area Per Person Standards

- a) For existing facilities, or facilities newly acquired through transfer, purchase or lease, with gross or rentable area greater than or equal to 10,000 square feet, classified for office occupancy, and when the building's useful life is extended through a capital appropriation in excess of 40% of the replacement cost of the building, or when the tenant improvements to a lease exceed the current annual base rental cost, the office area per person standards in subsections (c) and (d) shall apply.
- b) For existing facilities, or facilities newly acquired through transfer, purchase or lease with gross or rentable area less than 10,000 square feet, classified for office occupancy, and when the building's useful life is extended through a capital appropriation in excess of 40% of the replacement cost of the building, or when the tenant improvements to a lease exceed the current annual base rental cost, the office area per person standards in subsections (c) and (d) shall apply, unless the estimated cumulative cost savings derived from the reduction of rentable or usable area taken over a five-year period are exceeded by the cost associated with

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

structural and interior alterations required to effectuate the reduction of office area per person.

- c) The office area per person standard shall be less than or equal to 275 rentable square feet per person, or the office area per person standard shall be less than or equal to 200 usable square feet per person.
- d) The following interior spaces shall not be included in the rentable or usable area of the facility for the purpose of calculating the office area per person standard:
- 1) Public and client services waiting areas used for direct client services or for public access to services provided within the interior office spaces;
 - 2) Public and client restrooms, provided for use in addition to employee restrooms;
 - 3) Areas used exclusively for public and client service records and active work files associated with service delivery; or
 - 4) Other public and client service areas related to direct, on-site service delivery (i.e., public self-help resource areas, public education areas, observation rooms, storage of goods for distribution to clients or the general public or for non-employee use).

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

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Health and Safety
- 2) Code Citation: 56 Ill. Adm. Code 350
- 3) Section Number: 350.300 Proposed Action: Amended
- 4) Statutory Authority: Safety Inspection and Education Act [820 ILCS220]; Health and Safety Act [820 ILCS 225]
- 5) A Complete Description of the Subjects and Issues Involved: The rulemaking incorporates updates that correspond with the OSHA regulatory adoption agenda. The Illinois program enforces the current OSHA regulations and this is the mechanism for adopting those standards.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The US DOL-OSHA Regulatory Agenda and complementary Federal Registers since September 30, 2005.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments may be submitted in writing, within 45 days of this notice to:

Cheryl J. Neff
Industrial Hygienist
Illinois Dept. of Labor
#1 West Old State Capitol Plaza, Suite 300
Springfield, Illinois 62701

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

217/782-9386
217/785-8776 fax

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

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

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 350
HEALTH AND SAFETY

SUBPART A: INSPECTIONS AND CITATIONS

Section	
350.10	Purpose and Scope
350.20	Definitions
350.30	Availability of Rules and Standards
350.40	Petition for Variance from Standards
350.50	Inspection Authority
350.60	Advance Notice of Inspection
350.70	Representatives of Employers and Employees
350.80	Imminent Danger
350.90	Complaints by Employees
350.100	General Inspection Procedures
350.110	Violations
350.120	Review System for Contested Cases
350.130	Posting of Notice
350.140	Voluntary Compliance Program

SUBPART B: RECORDS OF INJURIES AND ILLNESSES

Section	
350.210	Emergency Notification
350.220	Recordable Injuries and Illnesses
350.230	Log of Injuries and Illnesses – OSHA 300
350.240	Injury and Illness Incident Report – OSHA 301
350.250	Annual Summary of Work-Related Injuries and Illnesses – OSHA 300A

SUBPART C: FEDERAL STANDARDS

Section	
350.300	Adoption of Federal Standards

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

AUTHORITY: Implementing and authorized by the Safety Inspection and Education Act [820 ILCS 220] and the Health and Safety Act [820 ILCS 225].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 17004, effective October 17, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 8765, effective May 14, 1986; amended at 11 Ill. Reg. 2798, effective January 28, 1987; amended at 12 Ill. Reg. 17086, effective October 11, 1988; amended at 16 Ill. Reg. 8518, effective May 26, 1992; amended at 17 Ill. Reg. 1074, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 7072, effective April 27, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 14724, effective September 15, 1994; amended at 19 Ill. Reg. 11923, effective August 7, 1995; amended at 20 Ill. Reg. 7419, effective May 10, 1996; amended at 21 Ill. Reg. 12850, effective September 4, 1997; amended at 23 Ill. Reg. 3993, effective October 1, 1999; amended at 23 Ill. Reg. 12447, effective October 2, 1999; amended at 24 Ill. Reg. 13693, effective August 23, 2000; amended at 25 Ill. Reg. 860, effective January 5, 2001; amended at 25 Ill. Reg. 10196, effective July 30, 2001; old Part repealed at 30 Ill. Reg. 5531 and new Part adopted at 30 Ill. Reg. 4777, effective March 13, 2006; amended at 34 Ill. Reg. _____, effective _____.

SUBPART C: FEDERAL STANDARDS

Section 350.300 Adoption of Federal Standards

- a) Incorporations. All materials incorporated by this Section are incorporated as of the date specified and do not include any later amendments or editions.
 - 1) Pursuant to Section 4 of the Health and Safety Act, the Department hereby incorporates by reference the general health and safety standards and special maritime and construction industry standards adopted by the federal Occupational Safety and Health Administration as effective ~~September 30, 2005~~ [October 31, 2009](#). These standards are located at 29 CFR 1904, 1910, 1915, and 1926.
 - 2) The following interpretations of 29 CFR 1910.134, Respiratory Protection Standard (1998) are incorporated into this Part. Copies are available at the Department's Chicago office. Copies of the federal Occupational Safety and Health Administration material may also be obtained at <http://www.osha-slc.gov/SLTC/respiratoryprotection/index.html>.

Preamble: Respiratory Protection; Final Rule, 63 Fed. Reg. 1152 (Jan. 8, 1998)

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

Questions & Answers on the Respiratory Protection Standard,
OSHA Memorandum (Aug. 17, 1998)

Inspection Procedure for the Respiratory Protection Standard, CPL
2-0.120 (Sept. 18, 1998)

Small Entity Compliance Guide for the Revised Respiratory
Protection Standard, OSHA Directorate of Health Standards
Programs (Sept. 30, 1998)

Illinois Fire Chiefs Association – A Guideline on OSHA's 1998
Update of Its 1971 Respiratory Protection Standard (Mar. 9, 1999)

- 3) The following interpretation of 29 ~~CFR~~ 1910 and 1926, Standards Improvement (Miscellaneous Changes) for General Industry and Construction Standards; Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic (1998); 29 CFR 1915 and 1926, Occupational Exposure to Asbestos (1998); 29 CFR 1910, Methylene Chloride (1998); 29 CFR 1910, Permit-Required Confined Spaces (1998); and 29 CFR 1910, 1915, 1917, 1918, and 1926, Powered Industrial Truck Operator Training (1999) are incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <http://www.osha.gov/comp-links.html>.

Preamble: Standards Improvement (Miscellaneous Changes) for
General Industry and Construction Standards; Paperwork
Collection for Coke Oven Emissions and Inorganic Arsenic; Final
Rule, 63 Fed. Reg. 33450 (June 18, 1998)

Preamble: Occupational Exposure to Asbestos; 63 Fed. Reg.
35137 (June 29, 1998)

Preamble: Methylene Chloride; Final Rule, 63 Fed. Reg. 50711
(Sept. 22, 1998)

Preamble: Permit-Required Confined Spaces; Final Rule, 63 Fed.
Reg. 66018 (Dec. 1, 1998)

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

Preamble: Powered Industrial Truck Operator Training; Final Rule, 63 Fed. Reg. 66238 (Dec. 1, 1998)

- 4) The following interpretation of 29 ~~CFR~~CFR 1910, Dipping and Coating Operations (1999) is incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <http://www.osha.gov/comp-links.html>.

Preamble: Dipping and Coating Operations; Final Rule, 64 Fed. Reg. 13897 (Mar. 23, 1999)

- 5) The following interpretation of 29 CFR 1926, Safety Standards for Steel Erection (2001) and 29 CFR 1910, Occupational Exposure to Bloodborne Pathogens; Needlesticks and Other Sharps Injuries (2001) are incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <http://www.osha.gov/comp-links.html>.

Preamble: Safety Standards for Steel Erection; Final Rule, 66 Fed. Reg. 5196 (Jan. 18, 2001)

Preamble: Occupational Exposure to Bloodborne Pathogens; Needlesticks and Other Sharps Injuries; Final Rule, 66 Fed. Reg. 5318 (Jan. 18, 2001)

- 6) The following interpretation of 29 CFR 1910.36, 1910.37, 1910.38 and 1910.39, Exit Routes, Emergency Action Plans and Fire Prevention Plans, Final Rule (Nov. 11, 2002); 29 CFR 1904, Occupational Injury and Illness Recording and Reporting, Final Rule (July 1, 2002 and December 17, 2002 update); 29 CFR 1910.139, Termination of Rulemaking Respiratory Protection for M. Tuberculosis, Final Rule (Dec. 31, 2003); 29 CFR 1915.52, Fire Protection in Shipyard Employment, Final Rule (Sept. 15, 2004); and 29 CFR 1910 et al., Standards Improvement Project – Phase II (Jan. 5, 2005) are incorporated into this Part. Copies are available at any of the Department's offices. Copies may also be obtained at <http://www.osha.gov>.

- 7) [The following interpretations of 29 CFR 1910, 1915 and 1926, Assigned Protection Factors, Final Rule \(Aug. 24, 2006\); 29 CFR 1926, Roll-Over Protective Structure, Final Rule \(Dec. 29, 2005, corrected July 20, 2006\);](#)

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

29 CFR 1910.1026, Occupational Exposure to Hexavalent Chromium, Final Rule (Feb. 28, 2006, corrected June 23, 2006); 29 CFR 1926, Steel Erection: Slip Resistance of Skeletal Structural Steel, Final Rule (Jan. 18, 2006); 29 CFR 1910, 1915 and 1926, Electrical Installation Requirements, subpart S, Final Rule (Feb. 14, 2007, corrected Oct. 29, 2008); 29 CFR 1915, Updating National Consensus Standards in OSHA Standard for Fire Protection in Shipyard Employment, Final Rule (Jan. 3, 2007); 29 CFR 1910, Employer Payment for Personal Protective Equipment, Final Rule (Nov. 15, 2007, clarified Dec. 12, 2008) and 29 CFR 1910, Updating OSHA Standards Based on National Consensus Standards, Final Rule (Mar. 14, 2008, Dec. 14, 2007, Sept. 9, 2009) are incorporated into this Part. Copies are available at any of the Department's offices, on the Department website www.state.il.us/agency/idol or the OSHA website <http://www.osha.gov>.

- b) The Department shall consider any subsequent amendments to the health and safety standards adopted by the federal Occupational Safety and Health Administration. Such amendments will be adopted by reference, or substitute provisions that provide equivalent protection will be adopted. Amendments will be adopted through filing with the Secretary of State and publication in the Illinois Register as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].
- c) The Department hereby adopts as a rule of the Department, through incorporation by reference, 29 CFR 1910.1030, Occupational Exposure to Bloodborne Pathogens (1991). The dates listed in paragraph (i) of 29 CFR 1910.1030 are not applicable to Illinois public sector employers. The effective date (paragraph (i)(1) of the adopted standard) for the Illinois public sector shall be January 19, 1993. The compliance date for paragraph (i)(2) of the adopted standard shall be February 18, 1993, the date for paragraph (i)(3) shall be March 20, 1993, and the date for paragraph (i)(4) shall be April 19, 1993.
- d) The effective dates for 29 CFR 1910.119(e)(1)(i), (ii), (iii), and (iv), which establish timelines for hazard analyses for hazardous materials, are one, two, three, and four years, respectively, after August 1, 1994.

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Procedures For Providing Grants From the Illinois Clean Diesel Grant Program
- 2) Code Citation: 35 Ill. Adm. Code 261
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
261.110	New Section
261.120	New Section
261.130	New Section
261.140	New Section
261.210	New Section
261.220	New Section
261.230	New Section
261.310	New Section
261.320	New Section
261.330	New Section
261.340	New Section
261.350	New Section
261.360	New Section
261.370	New Section
261.380	New Section
261.390	New Section
261.410	New Section
261.420	New Section
261.430	New Section
261.440	New Section
261.450	New Section
261.460	New Section
261.470	New Section
261.510	New Section
261.520	New Section
261.530	New Section
261.540	New Section
261.610	New Section
261.620	New Section
261.630	New Section
261.640	New Section
261.650	New Section
261.660	New Section

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

261.710	New Section
261.720	New Section
261.730	New Section
261.740	New Section

- 4) Statutory Authority: Implementing and authorized by Section 4(k) of the Illinois Environmental Protection Act. [415 ILCS 5/4(k)]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will address how the Agency will disburse funding it receives from a variety of sources, including the American Recovery and Reinvestment Act of 2009 (ARRA), in the form of grants. This rulemaking will establish a streamlined approach to procedures for issuance of grants, determining eligibility, and performing grant projects.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These rules establish procedures for issuing grants from the Illinois Clean Diesel Grant Program.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on the proposed rule may submit them in writing by no later than 45 days after publication of this Notice to:

Kent E. Mohr Jr.
Assistant Counsel
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19726
Springfield, Illinois 62794-9276

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

217/782-5544
kent.mohr@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will impact small businesses, small municipalities, and not for profit corporations to the extent that if they apply for a grant through the Illinois Clean Diesel Grant Program they will utilize this proposed rule. The Agency anticipates that this proposed rule will generally benefit these entities by providing funds and a streamlined process for obtaining funds to perform improvements to their vehicles or equipment, or for the purchase of new vehicles or equipment.
 - B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking requires grant recipients to comply with reporting requirements contained in their grant agreements and to maintain records relating to their grants.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: these rules were not contemplated until the existence of House Bill 276 and the enactment of ARRA.

The full text of the Proposed Rule is identical to that of the Emergency Rule found in this issue of the *Illinois Register*, which begins on page 14764:

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1800.110	New Section
1800.115	New Section
1800.120	New Section
1800.210	New Section
1800.220	New Section
1800.230	New Section
1800.240	New Section
1800.250	New Section
1800.260	New Section
1800.270	New Section
1800.310	New Section
1800.320	New Section
1800.410	New Section
1800.420	New Section
1800.430	New Section
1800.510	New Section
1800.520	New Section
1800.530	New Section
1800.540	New Section
1800.550	New Section
1800.560	New Section
1800.570	New Section
1800.580	New Section
1800.610	New Section
1800.615	New Section
1800.620	New Section
1800.625	New Section
1800.630	New Section
1800.635	New Section
1800.640	New Section
1800.650	New Section
1800.660	New Section
1800.670	New Section
1800.680	New Section
1800.690	New Section

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED RULES

1800.695	New Section
1800.710	New Section
1800.715	New Section
1800.720	New Section
1800.725	New Section
1800.730	New Section
1800.735	New Section
1800.740	New Section
1800.745	New Section
1800.750	New Section
1800.760	New Section
1800.770	New Section
1800.780	New Section
1800.790	New Section
1800.810	New Section

- 4) Statutory Authority: Implementing and authorized by the Video Gaming Act [230 ILCS 40]
- 5) A Complete Description of the Subjects and Issues Involved: These rules implement the provisions of the Video Gaming Act enacted by Public Act 96-34 and amended by Public Acts 96-37 and 96-38. The Video Gaming Act authorizes installation of video gaming terminals used for wagering purposes in various categories of licensed locations, and provides for the distribution of specified percentages of video gaming revenues to State and local governments for designated purposes. The Illinois Gaming Board is responsible for administering and enforcing the Video Gaming Act.
- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? This rulemaking will replace an emergency rulemaking.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any proposed rulemakings to this Part pending? No

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED RULES

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: A public hearing on the proposed rulemaking will be held at the following time and location:

November 6, 2009 at 9 A.M.
Michael A. Bilandic Building
Room C-500
160 North LaSalle Street
Chicago, Illinois 60601

Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this notice in the Illinois Register to:

Michael Fries
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago, Illinois 60601

Fax No. 312/814-4143
michael.fries@igb.illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of businesses affected: Manufacturers, distributors, suppliers, terminal operators, licensed establishments, licensed truck stop establishments, licensed veterans establishments, and licensed fraternal establishments, as defined in Section 5 of the Video Gaming Act [230 ILCS 10/40].
- B) Reporting, bookkeeping or other procedures required for compliance: Licensed terminal operators (as defined in Section 5 of the Act) must maintain accounting records in compliance with the Act for tax purposes.
- C) Types of professional skills necessary for compliance: Skills in information technology, auditing and accounting, and mechanical operation of gaming equipment

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED RULES

- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on a regulatory agenda because the authorizing statutes were passed after the July 2009 regulatory agenda was published.

The full text of the Proposed Rule is identical to that of the Emergency Rule found in this issue of the *Illinois Register*, which begins on page 14793:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
590.15	Amendment
590.20	Amendment
590.40	Amendment
590.50	Amendment
590.60	Amendment
590.80	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7 and 3.8 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7 and 3.8] and Migratory Bird Hunting (50 CFR 20)
- 5) Effective Date of Amendments: October 13, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any 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 Illinois Register: June 12, 2009; 33 Ill. Reg. 7402
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

Minor changes were made to correct grammar and punctuation errors.

References to site designations were changed to be consistent throughout this Part (State Natural Area, State Conservation Area, State Wildlife Management Area, State Fish and Wildlife Area, State Recreation Area).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

In the Authority Note: "3.8, and 3.10" was changed to "3.8."

In Section 590.50(a) – Redwing Slough/Deer Lake – after the closing parenthesis add "(hunting from boat blinds is permitted within 10 feet of marked blind sites)"

In Section 590.50(a) – deleted site: "~~Rice Lake, Walk-in Management Unit, copperas Creek Management Unit and Big Lake Management Unit (Walk-in or boats without motors only; daily drawing; daily hunting hours will close at 1:00 p.m.)~~"

In Section 590.60(b)(2), following "Boston Bay" added "(Mississippi River Pool 18)"

In Section 590.80(d), the following was added:

Double T State Fish and Wildlife Area (hunters must check in and out at the self-check box on the site; hunting from stakes or pits only; 4 persons per stake; hunters cannot check in before 5:00 a.m. the day of the hunt; stakes or pits allocated on a first come-first served basis)

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments to this Part were made to: clarify regulations for submittal of blind registration forms; update the list of open sites, requirements, and site-specific regulations for permit controlled hunting; update site-specific information for check station Department sites only; update site-specific information for non-check station Department sites only; update site-specific regulations for various other Department sites; and update the list of open sites and site-specific regulations for early and late goose hunting on Department sites.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

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

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

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; emergency expired March 3, 1984; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; preemptory amendment at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; emergency expired March 5, 1986; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendment at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; emergency expired February 23, 1987; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

amendment at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendment at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendment at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendment at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendment at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 12491, effective July 28, 1992; emergency amendment at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency expired March 9, 1993; emergency amendment at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency expired April 11, 1993; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; emergency expired June 14, 1993; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18867, effective October 14, 1993, for a maximum of 150 days; emergency expired March 13, 1994; amended at 18 Ill. Reg. 10023, effective June 21, 1994; emergency amendment at 18 Ill. Reg. 15161, effective September 27, 1994, for a maximum of 150 days; emergency expired February 23, 1995; amended at 19 Ill. Reg. 13209, effective September 11, 1995; amended at 20 Ill. Reg. 754, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12417, effective August 30, 1996; amended at 21 Ill. Reg. 578, effective December 30, 1996; amended at 21 Ill. Reg. 11713, effective August 12, 1997; amended at 22 Ill. Reg. 2182, effective January 2, 1998; amended at 22 Ill. Reg. 15961, effective August 24, 1998; amended at 22 Ill. Reg. 21881, effective December 3, 1998; emergency amendment at 23 Ill. Reg. 3092, effective March 10, 1999, for a maximum of 150 days; emergency expired August 6, 1999; amended at 23 Ill. Reg. 11195, effective August 26, 1999; emergency amendment at 23 Ill. Reg. 14640, effective December 13, 1999, for a maximum of 150 days; emergency expired May 10, 2000; amended at 24 Ill. Reg. 12517, effective August 7, 2000; amended at 25 Ill. Reg. 14131, effective October 22, 2001; amended at 26 Ill. Reg. 16238, effective October 18, 2002; amended at 27 Ill. Reg. 15409, effective September 18, 2003; amended at 28 Ill. Reg. 13562, effective September 24, 2004; amended at 29 Ill. Reg. 9654, effective June 24, 2005; emergency amendment at 29 Ill. Reg. 13900, effective August 30, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 18924,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

effective November 4, 2005; amended at 30 Ill. Reg. 15694, effective September 18, 2006; amended at 31 Ill. Reg. 13128, effective August 30, 2007; amended at 32 Ill. Reg. 14761, effective August 27, 2008; amended at 33 Ill. Reg. 14671, effective October 13, 2009.

Section 590.15 Duck, Goose and Coot General Hunting Regulations on Department-Owned and -Managed Sites Listed in Sections 590.40 and 590.50

a) Definitions

- 1) Blind site – A position within 10 feet of numbered stake where blind must be constructed. Sites shall be located and marked by the Department.
- 2) Blind builder – Person who has been assigned a blind site as a result of the drawing.
- 3) Blind partner – Persons chosen by the builder to assist in construction and maintenance of the blind and to share its blind claiming and hunting privileges.
- 4) Drawing – Procedure by which blind sites are assigned.
- 5) Blind registration card – Card issued by the Department and tacked inside each blind listing names and addresses of blind builders.
- 6) Complete blind – A blind with all framework and siding constructed and in readiness for use, including final brushing.
- 7) Hunting party – An individual or group of hunters occupying a single boat, blind, or hunting site.
- 8) Dog Hide – A compartment or area within or attached to a blind that houses a dog used to retrieve downed waterfowl.

b) Blind Construction

- 1) Blinds must be at least 4 feet x 8 feet, but no higher than 14 feet from the water surface at normal pool level, to the top of the shooting box, sturdy enough to withstand daily usage, and must be maintained in good condition by blind builders throughout the duck season. Blinds shall be

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

numbered and that number shall be visible from the outside of the blinds. Blinds must be placed within 10 feet of assigned Department marked site.

- 2) Blinds built over water must be of platform construction with the platform constructed above normal water conditions or they may be floating blinds.
- 3) Blinds must be completed, including final brushing, 3 weeks in advance of opening date of regular duck season (except at Mississippi River Area Pools 25 and 26 blinds and final brushing must be completed 4 weeks in advance of opening date of regular duck season) after which time the Department shall inspect all blinds and blind sites and issue Blind Registration Cards to those which pass inspection. Blind builders shall not gain access to Redwing Slough/Deer Lake [State Natural Area](#) until the day following Labor Day. Blind builders must post Blind Registration Card in the blind prior to the first day of regular duck season. If adverse weather or water conditions make compliance with this rule difficult the site superintendent or the District Wildlife Manager may grant extensions.
- 4) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, shall be reassigned to alternates selected at a drawing or by a first come-first served allocation held on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, 7 days prior to the opening date of the duck season on sites posted as being closed to trespassing 7 days prior to regular duck season. At Mississippi River Area Pools 25 and 26 reassigned blinds must be completed by sunset of the Sunday immediately preceding the opening day of regular duck season. On all other sites reassigned blinds must be completed, including final brushing, by the day before the opening day of the regular duck season.
- 5) Not more than 3 persons shall be registered for assignment of any one blind site. Blind builders shall submit partner names on a blind registration form as designated at the site drawing. After the designated time, no changes shall be accepted. As directed by the information sheet available at each site, the registration form must be filled out and returned within 30 days ~~after~~~~prior to~~ the blind drawing date. Failure to do so shall result in forfeiture of blind.
- 6) No person shall be allowed to be a blind builder or partner on more than

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

one public waterfowl blind managed by the Department.

- 7) Boat hides are required, except as noted in Sections 590.40 and 590.50, and must have minimum inside dimensions of 18' x 6', except all blinds allocated and constructed after January 1, 2005 must have minimum dimensions of 18' x 7½'. Boat hides shall be sturdy enough to withstand daily use considering the conditions of the site, and must be maintained in good condition throughout the season, and shall be completed including final brushing by 3 weeks prior to the opening day of duck season, except at Mississippi River Area Pools 25 and 26 boat hides and final brushing must be completed 4 weeks prior to the opening day of duck season; failure to meet these standards shall result in forfeiture of blind site.
 - 8) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds except as indicated in Sections 590.40(a) and (b) and 590.50(a) and (b).
 - 9) Blinds must include a dog hide that is on the same level as the blind. The dog hide can either be incorporated into the blind by providing a hole at floor level that measures at least 20 inches high by 20 inches wide or by providing a separate compartment that is attached to the blind. Hides attached to the blind should have a minimum floor space that measures 2 feet by 2 feet and should be at least 2.5 feet high with 2 openings. One opening should be between the blind and the dog hide, should measure at least 20 inches by 20 inches, and should be constructed at the same level as the blind floor. The water access opening should be at least 20 inches wide and 20 inches high. Hides either within the blind or attached should have an enforced ramp to water level that is at least 15 inches wide with cleats every 12 inches. Openings in the blind must be capable of being closed when not in use.
- c) Use of blinds
- 1) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
 - 2) No person shall hunt, or attempt to hunt, except from within a registered

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

blind.

- 3) Persons under 16 years of age shall not hunt, or attempt to hunt, unless accompanied by an adult due to safety factors.
 - 4) Blinds shall not be locked.
 - 5) Claiming or attempting to claim any blind which is legally occupied, and/or harassing, in any manner, the occupants of a blind which has been legally occupied, is unlawful.
 - 6) No person shall fish within 250 yards of an occupied blind within the hunting area.
 - 7) All hunting parties shall hunt over a spread of at least 12 decoys during duck season and Canada goose season. The decoys shall be staked, placed, or floating, be individually visible, be at least 8 inches long, and not be within a boat, blind or container.
 - 8) At sites where a manned check station is in operation, hunters are required to deposit their hunting license and Federal and State Migratory Waterfowl Stamp at the check station while hunting. Persons exempt by law from having a hunting license and an Illinois stamp must deposit their Firearm Owner's Identification Card. Persons under 21 who do not have a card must be accompanied by an adult who has a valid card in his possession.
 - 9) Cutting of vegetation greater than 4 inches d.b.h. will result in loss of the blind for the current allocation period.
- d) Public Drawing
- 1) Time and place for all sites holding drawings shall be publicly announced by the Department.
 - 2) A registrant for a drawing must be at least 16 years of age and possess a current or preceding year's Illinois hunting license, a current or preceding year's Illinois Migratory Waterfowl Stamp and a current Firearm Owner's Identification Card unless exempted by law. Persons exempted by law

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

from possessing a hunting license or waterfowl stamp must have a valid Firearm Owner's Identification Card. Persons who are under 21 years of age who do not have Firearm Owner's Identification Cards must be accompanied by an adult who has a valid Firearm Owner's Identification Card in his possession at the drawing. In order to be an eligible applicant for the drawing, the participant must not at the time of the drawing have his/her hunting privileges suspended or revoked by the Department or any other jurisdiction. Applicants must be present for the registration and drawing to be eligible for allocation of blind sites.

- 3) No person is eligible to draw for a waterfowl blind who has had his or her hunting privileges suspended by Illinois or any other state, or is prohibited from possessing a firearm due to a conviction for violation of a State or federal law, or is prohibited from possessing a firearm by action of law regardless of conviction status (such as homeland security, under order of protection, etc.). Any ineligible person who submits an application to draw for a waterfowl blind shall be refused, if known by the drawer at the time to be ineligible, or shall have his or her draw declared void upon discovery of ineligibility by the Department. A refused or voided application shall be referred to the appropriate State's Attorney for possible prosecution under the Criminal Code [720 ILCS 5].

e) Flood Rules

In the event that State managed sites are flooded to the point that public waterfowl blinds cannot be constructed or are no longer usable, the Department, by public announcement and/or posting, may permit waterfowl hunting under one of the following rules:

- 1) If the check station for that site is open, all rules apply, except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site.
- 2) If the check station is not operable, all rules apply except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site. Additionally, rules listed in Section 590.40(b)(1), (2), (3), (4) and (9) shall not be in force. Rules concerning blind claiming as listed in Section 590.50(b) shall apply.
- 3) If blind sites have not been marked and no check station is operable, the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

area will be open to hunting from platform, floating or boat blinds or by walk-in hunting, anywhere on the area except refuges and closed waterfowl rest areas. Preplacement of unattended decoys and/or unoccupied blinds or boat hides do not constitute lawful possession of a hunting site. All hunting parties must remain 200 yards apart and follow normal closing hours for the site.

- 4) In all above flood circumstances, regulations requiring the construction of a separate boat hide and regulations regarding the minimum standards for blind construction shall be suspended for that season.

- f) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 33 Ill. Reg. 14671, effective October 13, 2009)

Section 590.20 Permit Controlled Department Sites Only – Duck, Goose and Coot Hunting

- a) Sites covered in this Section, which allow hunting by permit only, are:

Banner Marsh [State Fish and Wildlife Area](#)

[Double T State Fish and Wildlife Area](#)

Horseshoe Lake State Fish and Wildlife Area

[Marshall State Conservation Area – Duck Ranch Unit](#)

[Rice Lake State Fish and Wildlife Area – Walk-in Units](#)

Sangchris Lake State Park subimpoundment

Snakeden Hollow State Fish and Wildlife Area

Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit

Union County State Fish and Wildlife Area

- b) Permit Requirements

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Permit reservations shall be accepted starting in September. Initial acceptance dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first 2 weeks of the application period. Applicants making reservations will be sent confirmation.
- 2) Permits shall be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; the condition of the roads at the site; the number of employees available to work at the site; and the number of blinds which can be established on a site as set forth in Section 3.8 of the Wildlife Code [520 ILCS 5/3.8].
- 3) The permit shall be for the use of the entire blind or staked site/area. It shall be the responsibility of the permit holder to bring one hunting partner or one non-hunting partner or 2 non-hunting partners (3 persons per blind but not more than 2 hunters per blind) for Snakeden Hollow State Fish and Wildlife Area, Horseshoe Lake State Fish and Wildlife Area, and Union County State Fish and Wildlife Area; or 2 partners (hunters or non-hunters; 3 persons per stake/area) for Rice Lake State Fish and Wildlife Area – Walk-in Unit; or 3 partners (hunters or non-hunters; 4 persons per blind or staked site/area) for Banner Marsh State Fish and Wildlife Area, Double T State Fish and Wildlife Area, Marshall State Conservation Area – Duck Ranch Unit, Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit and Sangchris Lake State Park subimpoundment. Non-hunting partners are defined as persons under 21 years of age accompanying the hunter in the blind. Unallocated blinds shall be filled by a drawing at the sites.
- 4) Permits are not transferrable.
- 5) Permits will be issued from the Springfield Permit Office for permit-controlled sites. For other information write to:

Illinois Department of Natural Resources
Permit Office – Waterfowl
P.O. Box 19457

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Springfield IL 62794-9457

- c) General regulations
- 1) All use other than permit hunting as defined in subsection (b)(3) is prohibited at:
 - A) Snakeden Hollow State Fish and Wildlife Area from two weeks before duck season through close of Central Zone Canada goose season.
 - B) Double T State Fish and Wildlife Area from October 1 through the close of the Central Zone Duck hunting season.
 - 2) Hours, Permits and Stamp Charges
 - A) Hunting hours are from legal opening time until 1:00 p.m., except at Horseshoe Lake State Fish and Wildlife Area and Union County State Fish and Wildlife Area, which close at 12 noon.
 - B) At Snakeden Hollow State Fish and Wildlife Area from opening day through November 30, all hunters must register at the check station by 5:00 a.m. Permits are void after 5:00 a.m. From December 1 through December 31, all hunters must register at the check station by 5:30 a.m. Permits are void after 5:30 a.m. From January 1 through the close of goose season, all hunters must register at the check station by 6:00 a.m. Permits are void after 6:00 a.m. At Banner Marsh State Fish and Wildlife Area, Horseshoe Lake State Fish and Wildlife Area, Rice Lake State Conservation Area – Walk-in Units and Union County State Fish and Wildlife Area hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing shall be held to allocate blind sites at all sites. At Sangchris Lake State Park subimpoundment hunters must be checked in 90 minutes before legal hunting hours (2 hours before sunrise). Permits are void after this time. At Marshall State Conservation Area – Duck Ranch Unit and Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit, hunters are required to check in at the check station

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- no later than one hour before legal shooting time; after ~~that~~which time, permits are void. At Double T State Fish and Wildlife Area, hunters must check in by 4:30 a.m. at the Rice Lake check station. Permits are void after 4:30 a.m. Check out is required at all sites listed in this Section.
- C) A \$15 Daily Usage Stamp must be purchased at Snakeden Hollow State Fish and Wildlife Area. Partners between 16 and 20 years of age must pay daily usage stamp fee. Partners under 16 are not required to purchase a daily usage stamp.
- D) A \$10 Daily Usage Stamp must be purchased at Banner Marsh State Fish and Wildlife Area, Marshall State Conservation Area – Duck Ranch Unit, Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit, Horseshoe Lake State Fish and Wildlife Area, Union County State Fish and Wildlife Area and Sangchris Lake State Park subimpoundment. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. All partners under 16 are not required to purchase a daily usage stamp.
- 3) Hunting shall be done from assigned locations (blinds, stakes, areas or pits)~~blinds~~ only and hunters shall not move from assigned location~~blind~~ to another location~~blind~~ or leave the assigned location~~blind~~ and return.
- 4) Guns must be unloaded and encased at all times when not hunting. Except at Union County and Horseshoe Lake State Fish and Wildlife Areas, all hunting parties shall hunt over a spread of at least 12 decoys during duck season and Canada goose season. The decoys shall be staked, placed or floating, be individually visible, be at least 8 inches long, and not be within a boat, blind or container.
- 5) The legal hunting seasons for Horseshoe Lake State Fish and Wildlife Area and Union County State Fish and Wildlife Area are the dates of the South Zone duck and goose hunting seasons except that these areas shall be closed on Mondays, Tuesdays (except for the Illinois Youth Waterfowl Hunt) and December 24, 25, 26 and 27~~the first weekday after December 26 other than a Monday~~. (These sites shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 27~~26 other than a~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Monday, pursuant to Section 685.110.)

- 6) The legal hunting season at Snakeden Hollow State Fish and Wildlife Area is the dates of the Central Zone goose hunting season except that the area shall be closed on Mondays, Tuesdays, Wednesdays, and December 24, 25 and 26.
- 7) The legal hunting season at Banner Marsh State Fish and Wildlife Area and Rice Lake State Fish and Wildlife Area – Walk-in Units is the dates of the Central Zone duck hunting season.
- 8) The legal hunting season for the Sangchris Lake Subimpoundment is the opening day of the Central Zone duck hunting season, Tuesdays, Thursdays and Sundays, and the last day of the Central Zone duck hunting season except during the second firearm deer season when the Subimpoundment will be closed on the first day of the season and hunting hours will close at 10:00 a.m. during the remaining days of the second firearm deer season (on Thursdays blinds will be allocated by a daily drawing at the site pursuant to Section 590.60(b)(41)(B)).
- 9) The legal hunting season at Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit is the opening day of the Central Zone duck hunting season and every Tuesday, Thursday and Sunday of the Central Zone duck hunting season, except the second Sunday in November, which is closed due to the Youth Hunt.
- 10) The legal permit hunting season at Double T State Conservation Area will be every Wednesday, Saturday and Sunday of the Central Zone duck hunting season.
- 11) The legal hunting season at Marshall State Conservation Area – Duck Ranch Unit is every Tuesday, Thursday, Saturday and Sunday during the Central Zone duck season.
- 12+0) At Horseshoe Lake State Fish and Wildlife Area and Union County State Fish and Wildlife Area, during duck season hunters shall not~~may~~ possess more than~~up to~~ 25 shot shells. When duck season is closed, hunters shall~~may~~ not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit. At Snakeden Hollow State Fish and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Wildlife Area, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

~~1314~~) At Horseshoe Lake State Fish and Wildlife Area and Union County State Fish and Wildlife Area hunters may bring up to 3 dozen decoys per party. No full bodied or supermagnum shell decoys are allowed. At Sangchris Lake Subimpoundment only Department decoys may be used.

~~1412~~) ~~At Hunters without their guns may leave the blind to retrieve crippled waterfowl at~~ Horseshoe Lake State Fish and Wildlife Area and Union County State Fish and Wildlife Area, hunters cannot take guns from the blind to retrieve crippled waterfowl.

~~1513~~) Hunters must be at least 16 years of age (except for the Illinois Youth Goose/Duck Hunt) to draw for a pit or blind. Each person under 16 years of age must be accompanied by a supervising adult.

~~16~~) At Rice Lake State Fish and Wildlife Area – Walk-in Units, hunting shall be by walk-in or boats without motors only.

d) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 33 Ill. Reg. 14671, effective October 13, 2009)

Section 590.40 Check Station Department Sites Only – Duck, Goose and Coot Hunting

a) The sites listed in this Section conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in parentheses and in the remainder of this Section. Daily hunting hours close at 1:00 p.m. unless otherwise indicated in parentheses below.

1) Anderson Lake State Conservation Area – All Management Units (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, felt paper, plastic snow fence or any mesh material will be prohibited in the construction of waterfowl blinds)

2) Batchtown State Wildlife Management Area (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 3) Calhoun Point State Wildlife Management Area (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
- 4) The Glades State Wildlife Management Area ~~Glades~~ (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
- 5) Godar-Diamond State Wildlife Management Area (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
- 6) Horseshoe Lake State Park – Madison County (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation)
- 7) Lake DePue State Fish and Wildlife Area and Lake DePue Walk-in Unit (aka 3I)
- 8) Marshall State Fish and Wildlife Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage blind materials)
- 9) Mazonia State Fish and Wildlife Area (previous years blind builders shall have until February 1 to salvage blind materials; goose hunting prohibited before and after duck season; closed Mondays and Tuesdays)
- 10) Rice Lake State Fish and Wildlife Conservation Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, felt paper, plastic snow fence or any mesh material will be prohibited in the construction of waterfowl blinds; previous year's blind builders have until May 1 to remove their blinds)
- 11) Sanganois State Fish and Wildlife Area (check station and walk-in areas, hunters are not required to hunt from a blind site during goose seasons)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

held after the duck season)

- 12) Spring Lake State Fish and Wildlife Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, felt paper, plastic snow fence or any mesh material will be prohibited in the construction of waterfowl blinds; waterfowl hunters will have the option to either construct a platform blind (4' x 8' with boat hide) or a boat hide blind no less than 7.5' x 18' in dimension and fully enclosed on all four sides, must include four shooting holes or ports and brushed (doors capable of being closed are permitted for boat access); hunters choosing to construct a boat type of blind will not be required to construct a dog hide; blind numbers 2, 5, 6, 7, 8, 9, 10, 11, 12, 14 and 19 must be removed in their entirety no later than 10 days after the close of the Central Zone waterfowl season, but may be removed beginning November 21; blinds 1, 3, 4, 13, 15, 16, 17, 18 and 20 must be removed in their entirety by the previous year's blind builder no later than 7 days after the next allocation period; hunting from boat blinds is permitted within 10 feet from any numbered stake if the blind has not been constructed, or beginning November 21, at locations where the blind has been dismantled; the maximum horsepower for motors on the lake is 25 h.p.; goose hunting prohibited prior to the regular duck season)
- 13) Stump Lake [State Wildlife Management Area](#) (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
- 14) Woodford State Fish and Wildlife Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage blind materials)
- 15) William [W.](#) Powers Conservation Area (previous years blind builders shall have until May 1 to remove blinds in their entirety, including support posts; failure to comply will result in the blind builder and partners for that blind losing privilege of being a blind builder or partner at this site for the following year; no goose hunting prior to duck season; hunting from boat blinds is permitted within 10 feet at all blind sites; all hunters must sign in prior to occupying blind and must sign out no later than one hour after

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

closing time; closed Mondays and Tuesdays)

- b) The following regulations apply to all sites listed in this Section under subsection (a):
- 1) All hunters must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds. Beginning the day after duck season ends, when the check station is not operating, unclaimed blinds shall be allocated on a first come-first served basis, as per Section 590.50(b)(1), (2) and (3). Goose hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
 - 2) Registered blind builders or partners desiring to claim their blinds must report to the check station at least one hour before hunting hour each day and occupy that blind for at least one hour. Hunters wishing to move to another blind during their daily hunt must report back to the check station for reassignment.
 - 3) All hunting must be from registered blinds only and hunters must occupy their blinds within one hour after registering at the check station.
 - 4) All hunters must be checked out within one hour of the close of the legal hunting hours. At this time waterfowl and coots bagged must be checked and hunting licenses or Firearm Owner's Identification Cards shall be returned. At Mississippi River Area Pools 25 and 26, hunters must be checked out within one hour after leaving their blinds.
 - 5) It shall be unlawful to trespass upon the designated duck hunting area during the 7 days prior to the regular duck season as posted at the site. At Mississippi River Area Pools 25 and 26 and Horseshoe Lake State Park (Madison County) it shall be unlawful to trespass upon the designated duck hunting area between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site.
 - 6) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season, except on

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

areas of Mississippi River Area Pools 25 and 26, Batchtown State Wildlife Management Area, Crull Hollow and Godar Refuge State Wildlife Area~~Waterfowl Rest Areas~~, which reopen ~~to hunting~~ the day after regular duck season closes.

- 7) No more than 4 persons shall occupy a blind at one time, except on the statewide Youth Waterfowl Hunting Day, as authorized in Section 590.15(f), 5 persons may occupy a blind at one time only if the party is comprised of 2 youth hunters, their non-hunting parents and one non-hunting guide.
- 8) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).
- 9) During duck season, blinds not claimed by the builder or partners by one hour before hunting time shall be assigned by a drawing at this time and during the hours from 8:00 a.m. to 11:00 a.m., except at Marshall State Fish and Wildlife Area and Woodford State Fish and Wildlife Area, any blinds left unclaimed after completion of the daily drawing will be assigned on a first come-first served basis up to 30 minutes after the drawing and from 8:00 a.m. to 11:00 a.m., and except at Batchtown State Wildlife Management Area, Calhoun Point State Wildlife Management Area, The Glades State Wildlife Management Area~~Glades~~, Godar-Diamond State Wildlife Management Area, Horseshoe Lake State Park (Madison County) and Stump Lake State Wildlife Management Area (9:00 a.m.-1:00 p.m.) after which time the area shall be closed to additional hunters.
- 10) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After this date, all materials become the property of the new blind builder or the Department.
- 11) For those sites listed in this subsection that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished in person during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.

- c) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 33 Ill. Reg. 14671, effective October 13, 2009)

Section 590.50 Non-Check Station Department Sites Only – Duck, Goose and Coot Hunting

- a) The following sites conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in the remainder of this Section.

Anderson Lake State Fish and Wildlife Area – West Point Management Unit (walk-in or boat; staked sites; daily draw)

Chain O'Lakes State Park (For goose seasons prior to duck season, hunting allowed from numbered blind sites only and blinds need not be completed; blinds must be removed in their entirety, including support posts, by April 1; failure to comply will result in the blind builder and partners for that blind losing the privilege of being a blind builder or partner at this site for the following year)

Clear Lake State Wildlife Management Area (one year blind allocation)

Des Plaines River State Conservation Area (~~goose~~Goose hunting permitted during special goose season prior to regular waterfowl season; during special goose season hunting allowed from numbered blind sites only and blinds do not have to be completed; previous years blind builders shall have until February 1 to salvage blind materials)

~~Double T State Fish and Wildlife Area (Wednesday, Saturday and Sunday hunting only; daily drawing at Rice Lake State Fish and Wildlife Area check station; hunting from staked blind sites only; no other use October 1 through the close of the Central Zone goose season)~~

Fuller Lake State Fish and Wildlife Management Area (~~daily~~Daily hunting hours close at 3:30 p.m. CST, except the last 3 days of duck season and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)

Helmbold Slough [State Wildlife Management Area](#) (3 year blind allocation period)

Illinois River – Pool 26 (3 year blind allocation period)

Kankakee River State Park (no boat hide required; no goose hunting permitted prior to duck season; previous years blind builders shall have until February 1 to salvage blind materials)

Lake Sinnissippi [State Fish and Wildlife Area](#) (Department Owned Land; the use of any metal, with the exception of fasteners less than 12 inches in length, will be prohibited in the construction of waterfowl blinds; waterfowl hunters allocated blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31 or 32 will have the option to either construct a platform blind (4' x 8' with boat hide) or a boat hide blind no less than 7.5' x 18' in dimension fully enclosed on all four sides, must include 4 shooting holes or ports and brushed (doors capable of being closed are permitted for boat access); hunters choosing to construct a boat hide type of blind will not be required to construct a dog hide; blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31 and 32 must be removed in their entirety no later than 10 days after the close of the Northern Zone waterfowl season, but may be removed beginning November 15; backwater blinds 5, 6, 7, 8, 9, 10, 11, 12, 18, 19, 22, 23, 24 and 25 must be removed in their entirety by the previous years' blind builder by no later than 7 days after the next allocation period; hunting from boat blinds is permitted within 10 feet from any numbered stake if the blind has not been constructed; ~~for early teal season, hunting is from numbered blinds only, or if blinds have not been constructed, within 10 feet of the numbered stake; there is no early goose season in August or September~~)

Marshall State ~~Conservation Fish and Wildlife~~ Area – Sparland Unit (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage blind materials; hunters are required to check in and check out at the self-check box located at the Lacon boat ramp)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Meredosia Lake [State Fish and Wildlife Area](#) (one year blind allocation period) – Rules and Regulations will be publicly announced.

Mississippi River Pool 16 (Federal Lands; no permanent blinds – temporary blinds only above Velie Chute except for Goose Pond, Sunfish Slough, and Milan Bottoms (landward area upriver from River Mile 474); 2 year blind allocation period; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting)

Mississippi River Pool 17 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; 2 year blind allocation period)

Mississippi River Pool 18 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; 2 year blind allocation period)

Mississippi River Pools 21, 22, 24 (Federal Lands; hunting allowed from a portable blind or anchored boat, in Illinois waters, maintaining > 200 yard intervals at the following locations: Pool 21 – west of Long Island (river mile 332.5-340.5), Pool 22 – west of Ward Island (river mile 314.0-324.0), Pool 24 – west of Denmark Island (river mile 291.0-294.5); 2 year blind allocation period)

Mississippi River Pools 25, 26 (Federal Lands; 3 year blind allocation period)

Momence Wetlands [State Natural Area](#) (~~hunting~~Hunting allowed from a portable blind or anchored boat blind only; no more than 3 persons per blind site; no hunting during firearm deer seasons)

Pekin Lake State Fish and Wildlife Area (all hunting must be from portable boat blinds within 10 yards of the assigned numbered stake or buoy; no more than 3 persons shall use one blind; exceptions will be announced at the site's annual duck blind drawing; goose hunting

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

prohibited prior to the regular duck season)

Piasa Island [State Wildlife Management Area](#) (3 year blind allocation period)

Quincy Bay (Mississippi River Pool 21) (hunting hours legal opening to 1:00 p.m. for blinds 1 through 25 during regular duck season only)

Red's Landing [State Wildlife Management Area](#) (3 year blind allocation period; that portion of Red's Landing that is north of the access road will be noted as a walk-in/boats without motors area only; no permanent blinds; daily hunting hours will close at 3:30 p.m. CST, except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; hunting parties shall not hunt over less than 12 decoys nor more than 24 decoys)

Redwing Slough/Deer Lake [State Natural Area](#) (closed on Mondays, Tuesdays, Thursdays and Fridays except that hunting will be allowed on opening day of duck season; no goose hunting except during duck season; previous years blind builders shall have until February 1 to salvage blind materials; daily hunting hours will close at 1:00 p.m.) ([hunting from boat blinds is permitted within 10 feet of marked blind sites](#))

~~Redwing Slough/Deer Lake State Natural Area (hunting from boat blinds is permitted within 10 feet of marked blind sites)~~

~~Rice Lake, Walk-in Management Unit, Copperas Creek Management Unit and Big Lake Management Unit (Walk-in or boats without motors only; daily drawing; daily hunting hours will close at 1:00 p.m.)~~

Riprap Landing [State Wildlife Management Area](#) (3 year blind allocation period; that portion of Riprap Landing that is south of blind 5, known as Rust Land Company, will be noted as a walk-in; boats without motors in area only; no permanent blinds; hunting parties shall not hunt over less than 12 decoys or more than 24 decoys; decoys must be picked up daily; no vehicles allowed)

Shabbona Lake State Recreation Area (Hunting will be allowed between November 1 and December 31 but only when the North Zone duck and/or

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Canada goose seasons are open; permanent, pre-constructed blinds will be awarded for either November or December; boat and dog hides are not required; persons awarded blinds at the drawing, or their partners, must claim their blinds one hour before legal shooting hours; hunting hours will end at 1:00 p.m. daily)

Starved Rock State Park (Department managed areas; the use of any metal, with the exception of fasteners less than 12 inches in length, will be prohibited in the construction of waterfowl blinds; all blinds must be removed in their entirety no later than 10 days after the close of the Central Zone duck season; blinds may be removed beginning November 15; hunting from boat blinds is permitted within 10 feet of staked blind sites beginning November 15 for those blinds removed on or after November 15; staked blind locations that have not had a blind built may be hunted the entire season from a boat blind anchored within 10 feet of the numbered blind stake; blind locations not built shall be available on a first come-first served basis; hunting from boat blinds within 10 feet of staked blind sites is allowed until the end of the regular Central Zone Canada goose season)

- b) The following regulations apply to all sites listed in this Section under subsection (a).
- 1) Blind builders or partners must occupy their blinds by one-half hour before opening hunting hour each day in order to claim their blind for the day. Blinds not legally occupied may be claimed on a first come-first served basis.
 - 2) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
 - 3) All hunting must be from registered blinds only unless otherwise noted in parentheses under subsection (a).
 - 4) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 5) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After that date, blinds become the property of the new blind builders.
 - 6) No more than 4 persons shall occupy a blind at one time, except on Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding State Wildlife Area.
 - 7) On Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding State Wildlife Area the limit of 4 persons does not apply.
 - 8) For those sites listed in subsection (a) that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished in person during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.
 - 9) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season as posted at the site.
 - 10) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the waterfowl season as posted at the site. At Mississippi River Area Pools 25 and 26 it shall be unlawful to trespass upon the designated waterfowl hunting area between sunset of the Sunday immediately preceding the opening date of regular duck season through the day before regular duck season as posted at the site.
- c) Blind winners on the following sites will be provided forms for the purpose of maintaining waterfowl harvest records. The forms must be completed and returned within 15 days after the close of the site's waterfowl season or the blind builder and partners for that blind shall not be allowed to be a blind builder or partner at these sites for the following year.

Chain O'Lakes State Park

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Clear Lake State Wildlife Management Area

Des Plaines State Conservation Area

Kankakee River State Park

Pekin Lake State Fish and Wildlife Area

Redwing Slough/Deer Lake State Natural Area

d) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 33 Ill. Reg. 14671, effective October 13, 2009)

Section 590.60 Various Other Department Sites – Duck, Goose and Coot Hunting

The sites listed in this Section conform to Statewide Regulations (Section 590.10) and the following regulations, except as noted.

a) Regulations

- 1) Hunting hours are from legal opening to 1:00 p.m., except hunting shall be permitted until sunset on those sites indicated by (1) following the location in subsection (b).
- 2) No permanent blinds allowed, except for Department constructed blinds; all blinds must be of a portable nature and constructed with natural vegetation at the blind site and no pits can be dug. All materials must be removed or dismantled at the end on the day's hunt.
- 3) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of the day's hunt.
- 4) Waterfowl hunters must maintain a distance of 200 yards between hunting parties, except for Department constructed blinds or staked locations.
- 5) No hunting is permitted within 200 yards of developed recreation areas,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

public use facilities, and construction or industrial sites.

- 6) No check station is operated nor is any check in/check out required, except as indicated in the remainder of this Section.
- 7) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season except as indicated in the remainder of this Section.
- 8) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the regular duck season unless otherwise posted at the site.

b) Site specific regulations

- 1) Blanding State Wildlife Area
Federal lands, boat access only; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunters.
- 2) Boston Bay (Mississippi River Pool 18)
No permanent blinds may be built; temporary blinds only; 200 yards apart.
- 3) Cache River State Natural Area (1)
- 4) Campbell Pond State Wildlife Management Area (1)
- 5) Cape Bend State Fish and Wildlife Area (1)
- 6) Carlyle Lake Project Lands and Waters
 - A) No one may enter the subimpoundment area to hunt waterfowl before 4:30 a.m. each day of the waterfowl hunting season, or remain in the area after 3:00 p.m. each day of the waterfowl hunting season, except during the last 3 days of the Canada goose season and during any goose seasons that occur before or after Canada goose season, hunters must be out of the area by one hour after sunset and not return until 4:30 a.m. The subimpoundment

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4 and within the impoundments on the East Side Management Area located east of the Kaskaskia River.

- B) The waters of Carlyle Lake are defined as the lake and that portion of the Kaskaskia River, northfork, eastfork, Peppenhorst Branch and Allen Branch north of the buoys only, and Hurricane Creek that are within the boundaries of the Carlyle Lake property.
- C) Walk-in hunting shall be permitted in subimpoundment areas. Boats with no motors are allowed in the subimpoundments. Department personnel will designate boat launching locations.
- D) When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting, Department personnel shall post that the area is open to boats with motors of 10 hp or less and will designate boat launching locations.
- E) Known eagle protection areas will be posted by the Site Superintendent and will be closed to waterfowl hunting.
- F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out unattended or after 3:00 p.m. each day of the waterfowl season, except during the last 3 days of the Canada goose season and during any goose seasons that occur after Canada goose season, decoys shall not be left out unattended or later than one hour after sunset.
- G) All waterfowl hunters must register prior to hunting each day of the waterfowl hunting season at the nearest accessible registration box. All hunters must sign out and record their harvest daily before they exit the area.
- H) The Army Corps of Engineers may build blinds on Corps managed lands and waters for management purposes only.
- I) During the last 3 days of Canada goose season, hunting hours shall

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

close at sunset daily.

- J) The following rules apply to North Allen Branch Waterfowl Management Area (Eldon Hazlet State Park) only:
- i) Three designated blind sites are available on a first come-first served basis. Walk-in hunting only is permitted with a maximum of 4 hunters per site. All hunting must be from one blind site located between identically numbered stakes.
 - ii) Hunters must sign in prior to hunting, and sign out and report their harvest at the end of each day. All hunters must be checked out by 2:00 p.m. daily, except the last 3 days of the Canada goose season, and during any goose seasons that may occur after the Canada goose season, hunters must be checked out by one hour after sunset.
 - iii) Decoys shall not be left out unattended.
 - iv) When the lake floods this area and designated blind sites are not usable for walk-in hunting, the Department, by public announcement and/or posting, will open the affected area to hunting from boats per Carlyle Lake Project Lands and Waters' rules.
- 7) Chauncey Marsh [State Natural Area](#) (1)
Permit required, may be obtained at Red Hills State Park Headquarters and must be returned by February 15.
- 8) Clinton Lake [State Recreation Area](#) (1)
- A) Hunters must obtain a free site hunting permit and windshield card from the site office prior to hunting. While hunting, the windshield card must be visible in the windshield with the permit number clearly visible. Site hunting permits must be in the hunter's possession while in the field. Hunters must return the permit and report harvest by February 15 of the following year, or hunting privileges for the following season shall be forfeited.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- B) Except as described in subsections (b)(8)(C) and (D), hunting is allowed only from anchored portable blinds, except that no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southern-most point of the central peninsula to the Davenport Bridge.
- C) Waterfowl hunting is also permitted from staked sites in designated areas on a first come-first served basis. Walk-in or boat hunting only. Hunting parties must hunt within 25 yards of a staked site. No more than 4 hunters per party are permitted.
- D) Hunting ~~is permitted~~ from permanent land-based blinds is permitted only from Disabled Hunting Program and Salt Creek Waterfowl Management Area blinds.
- E) Each party must hunt over a minimum of 12 decoys. Decoys must be removed from the sites following each day's hunt. Decoys must not be left unattended.
- F) Except for the Handicap Hunting Program facilities and Salt Creek Waterfowl Management Area, blinds must be portable or built from material brought in or available at the blind site. Blinds must be dismantled and removed at the end of each day's hunt. No trees or bushes may be cut.
- G) There will be no hunting within 200 yards of developed areas or construction zones and 300 yards of electrical power lines.
- H) Hunting within the Salt Creek Waterfowl Management Area will, on designated days, be available only through a drawing conducted at the site. Procedures for applying for a permit at the site will be publicly announced.
- 9) Coffeen Lake State Fish and Wildlife Area
- A) Hunters must sign in prior to hunting and sign out, reporting harvest at the end of each day.
- B) Hunting from staked sites only.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- C) No permanent blinds.
 - D) Hunting by boat access only.
 - E) No cutting vegetation on site.
 - F) Hunting north of railroad tracks only.
 - G) Hunting hours from legal opening to 1 p.m. Fishing allowed between the railroad tracks and the county road after 1:00 p.m.
 - H) Four hunters per blind site.
 - I) No hunting during firearm deer seasons.
 - J) All hunters must be checked out at sign in box by 2:00 p.m.
- 10) Copperhead Hollow State Wildlife Area (1)
Hunters must obtain a free permit from the site office; permit must be in possession while hunting; permit must be returned and harvest reported by February 15; failure to return the permit will result in loss of hunting privileges at the site for the following year.
- 11) Cypress Pond State Natural Area (1)
Hunters must sign in prior to hunting and sign out reporting harvest at the end of each day.
- 12) Deer Pond State Natural Area (1)
Hunters must sign in prior to hunting and sign out reporting harvest at end of each day.
- 13) Devil's Island State Fish and Wildlife Area (1)
- 14) Dog Island State Wildlife Management Area (1)
Hunters must sign in prior to hunting and sign out reporting harvest at end of each day.
- 15) Donnelley State Wildlife Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- A) Hunting is prohibited on Tuesdays and Wednesdays except open on opening day and on the first Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 except as indicated in Section 590.25.
- B) Goose hunting is prohibited after the close of the duck season.
- C) All hunting shall be from designated blinds only. Refilling or changing blinds is not permitted.
- D) All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds.
- E) A hunter may bring one or 2 hunting partners under the age of 21.
- F) \$10 daily usage stamp must be purchased to hunt this area. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. Non-hunting partners under 16 are not required to purchase a daily usage stamp.
- G) No outboard motors are allowed by public – only by authorized DNR personnel.
- H) No more than 3 persons shall occupy a blind at any one time.
- I) All parties are required to report to check station within one hour after termination of hunt or no later than 2:00 p.m.
- J) All parties must hunt over a minimum of 12 decoys and a maximum of 48 decoys can be used, which must be removed upon the termination of the hunt.
- K) The first weekend and the third Saturday of the regular duck season shall be designated as youth hunt days. This shall consist of youth or youths 15 and under plus one adult per blind. There shall be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- L) One blind shall be made available by priority claim to "disabled" persons (as defined in Section 2.33 of the Wildlife Code).
- 16) Fort de Chartres Historic Site (1)
- A) Hunting is allowed from anchored, portable boat blinds only on a first come-first served basis.
 - B) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.
 - C) No hunting is allowed during firearm deer season.
- 17) Fox Ridge State Park (1)
Hunting restricted to Embarras River and its flood waters.
- 18) Fox River (1)
- A) Waterfowl hunting is prohibited on that portion of the Fox River running from the Kendall-Kane County line downstream to a line extending from the intersection of Route 71 and Douglas Street in Oswego, across the Fox River to the intersection of Hickory Lane and Riverview Drive.
 - B) Waterfowl hunting shall be from Department designated sites only on that portion of the Fox River downstream from the line extending from the intersection of Route 71 and Douglas Street in Oswego, across the Fox River to the intersection of Hickory Lane and Riverview Drive downstream to the Fox River Drive Bridge. Hunting at the designated sites will be on a first come-first served basis. Statewide regulations shall be in effect with no other Sections of this Part being applicable.
- 19) Fox River – Chain of Lakes (Lake and McHenry Counties) (1)
Waterfowl blind regulations promulgated in accordance with the Illinois Administrative Procedure Act [5 ILCS 100] under the authority of the Fox Waterway Agency are in full force and effect on those public waters under their jurisdiction. Failure to comply with such regulations constitutes a

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

violation of this Section. Statewide regulations shall be in effect with no other Sections of this Part applicable.

- 20) Freeman Mine
Hunting regulations will be publicly announced.
- 21) Heidecke State Fish and Wildlife Area, Braidwood [State Fish and Wildlife Area](#) and Powerton Lake [State Fish and Wildlife Area](#)
 - A) Blind sites shall be allocated on a daily draw basis conducted at the check stations 60 minutes before hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select blind site in order drawn; only those hunters registered in party shall be allowed to hunt with their party; no more than 3 hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
 - B) Blind sites not selected during the drawing shall be allocated on a first come-first served basis. Vacant blind sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 10:00 a.m. Hunters wishing to move to another blind site must report this move to the check station attendant in person before such a move.
 - C) Access to water blind sites must be by boat only and from designated boat launch sites.
 - D) All hunting must be from portable boat blinds, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind.
 - E) Upon vacating blind sites, all hunters must report to the check station within one hour. At this time, waterfowl bagged must be checked in and displayed to the station operator and hunting licenses returned.
 - F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- G) Heidecke Lake and Braidwood Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 10 days prior to regular duck season until the close of the regular duck and Canada goose season. Powerton Lake shall be closed to boat traffic from 7 days prior to opening of regular duck season until February 15, except for legal waterfowl hunters, and closed to all unauthorized entry during the regular duck season.
 - H) No hunting on Monday and Tuesday at Heidecke and Braidwood Lakes. No hunting at Powerton Lake on Monday through Thursday except hunting permitted on State holidays.
 - I) It is unlawful to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam and without a gas-powered motor.
 - J) No guns may be carried from water blinds to retrieve waterfowl that fall on land.
 - K) Hunting is closed on Christmas Day and New Year's Day.
 - L) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.
 - M) It is unlawful to shoot across any dike.
 - N) Waterfowl hunting shall close with the conclusion of the duck season at Powerton Lake. At Heidecke and Braidwood Lakes, waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting is allowed prior to duck season.
- 22) Hidden Springs State Forest (hunting restricted to Richland Creek and its floodwaters) (1)
- 23) Horseshoe Lake (Alexander County) Public Hunting Area
- A) Closed to waterfowl hunting on Mondays and Tuesdays.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- B) When duck season is closed, goose hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.
- 24) Horseshoe Lake Refuge
No hunting allowed, no boat motors except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1.
- 25) Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit
Site permit required.
- 26) Kaskaskia River [State](#) Fish and Wildlife Area (1)
The last 3 days of both the duck season and the regular Canada goose season.
- A) No waterfowl hunters may remain in the area after 3:00 p.m. For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.
- B) All waterfowl hunting parties must use at least 12 decoys. Hunting is allowed on a first come-first served basis.
- C) It is unlawful to leave duck and goose decoys unattended. Decoys must be picked up at the end of each day's hunt.
- D) All waterfowl hunters must register prior to hunting each day of the waterfowl season at the nearest check station, and must sign out and record their harvest daily before they exit the area.
- E) The following regulations apply to the Doza Creek Waterfowl Management Area:
- i) No waterfowl hunters may enter the area before 4:30 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m. During the second firearm deer season, waterfowl hunting closes at

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

11:00 a.m. and no waterfowl hunters may remain in the area after 1:00 p.m.

- ii) Only waterfowl, coot, firearm deer hunting (during the second firearm deer season only), archery deer and fall archery turkey hunting (as provided by 17 Ill. Adm. Code 670 and 720) allowed in this area during the duck hunting season; goose hunting is closed during the second firearm deer season if the second firearm deer season occurs after duck season.
 - iii) For the first 4 days of the duck season, all waterfowl hunting must occur within 10 yards of an assigned, numbered stake. Staked hunting locations shall be allocated on a daily draw basis at the Highway 154 Boat Ramp at 4:00 a.m. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select a staked location in order drawn; only those hunters registered in a party shall be allowed to hunt with their party; no less than 2 hunters and no more than 4 hunters per party; moving from staked location to staked location is not allowed. Staked locations not allocated during the drawing will not be hunted that day. Starting on day 5 and for the remainder of the waterfowl season, hunting is allowed on a first come-first served basis and hunting need not occur by a stake. Waterfowl hunters must maintain a distance of 200 yards between hunting parties.
- F) Handicapped accessible waterfowl hunting blind (Dry Lake Access Area)
- i) Application for hunting dates should be received at the site office September 1-10 and will be allocated on a first request basis or via a drawing, if needed.
 - ii) Three hunters are allowed in the blind. At least one hunter must have a P-2 handicapped certification.
 - iii) Hunters must sign in/out and report harvest at check station

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

after hunting.

- 27) Kickapoo State Recreation Area
- A) Hunting permitted only from staked sites. Hunters must sign in prior to hunting and sign out and report harvest at the end of each day's hunt.
 - B) Hunters must register and hunt as parties. No more than 4 hunters per party are permitted. No non-hunting partners.
 - C) Upon vacating their blinds, all hunters must take their completed harvest cards, issued daily on site, and place them in the collection box at the designated check station.
 - D) Each hunting party must hunt over a minimum of 12 decoys.
 - E) Waterfowl hunting is permitted only during the first 7 weekdays of the November portion of the Central Zone Canada goose season.
 - F) Hunting from staked sites only. Hunting must be within 10 feet of the staked location. All hunting must be from one portable blind or one anchored boat blind. Electric motors only for all boats.
 - G) Blind material must be brought in and taken out each day. No vegetation may be cut at the site.
 - H) Hunting hours are from legal opening to 1:00 p.m. Hunters must be out of the field by 2:00 p.m.
 - I) Hunters wishing to move to another vacant blind location may do so on a first come-first served basis, provided they include the blind change on the harvest card and report their harvest for each blind.
- 28) Kinkaid Lake ~~State Fish and~~ Wildlife Area (1)
- ~~29) Marshall State Fish and Wildlife Area—Duck Ranch Unit Only~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- A) ~~On days open to hunting, blind or staked sites shall be allocated by a random drawing held at Marshall State Fish and Wildlife Area (MSFWA) check station, 5 miles south of Lacon on S.R. 26. The drawing will be conducted 60 minutes prior to legal shooting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select hunting blinds in the order drawn. No more than 4 hunters per party; only registered party members shall be allowed to hunt in the party's blind.~~
- B) ~~Blinds or staked sites not selected during the drawing shall be allocated on a first come first served basis. Vacant staked sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 11:00 a.m. Daily hunting hours will close at 1:00 p.m.~~
- C) ~~All hunting must be from a designated blind or staked site. Refilling or changing blinds or staked sites is not permitted.~~
- D) ~~Hunters are required to report their harvest at the end of the day's hunt on a harvest card located in the blind. Hunters are not required to report back to the MSFWA check station.~~
- E) ~~No hunting on Monday, Wednesday, or Friday.~~

2930) Mermet Lake State Conservation Area

- A) Waterfowl hunting shall be permitted during duck season only.
- B) ~~Hunting is allowed in the walk in and blind areas only.~~
- BE) No fishing on the area during duck season.
- CD) Hunting hours are from legal opening until 1:003:30 p.m. each day, except the last 3 days of duck season, when hunting shall be allowed until sunset.
- DE) Manned check station will be closed Christmas Day and every Sunday and Monday during regular duck hunting season. Walk-in hunting will be allowed on Sundays and Mondays.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- EF) Blind/stake sites shall be allocated on a daily drawing basis at the manned waterfowl check station 90 minutes before legal hunting time (except Sunday and Monday when the manned check station is closed). All hunters are required to deposit their hunting licenses before entering the areas. One additional drawing will be held at the manned check station at 9 a.m. for any unoccupied waterfowl blinds/stakes~~Those persons exempted by law from having a hunting license shall deposit their Firearm Owner's Identification Card.~~
- FG) Hunters shall register as a party/group of up to 4 hunters for the drawing (except on the statewide youth waterfowl hunting day, as authorized in 17 Ill. Adm. Code 685.110(c) when 5 people may occupy a blind/stake at one time if the party includes 2 youth hunters); each party/group drawn shall be allowed to select a blind/stake in the order drawn; only those hunters registered in that party/group shall be allowed to hunt with the party.
- GH) Upon allocation of blinds/stakes, all hunting parties/hunters must accept and hunt the blind/stake chosen, or reject the allocation of the blind/stake immediately. All those rejecting the allocation of a blind/stake shall be ineligible to hunt within the blind area for the remainder of that day. Individual hunters, or hunting parties, can only be allocated one blind/stake per day. ~~Blinds not selected during the main drawing shall be allocated on a first-come first-served basis. No blinds will be allocated after 1:00 p.m., except the last 3 days of duck season when no allocation will be allowed after 3:00 p.m.~~
- HF) Hunters must occupy their blinds/hunting area within one hour after registering at the manned check station.
- D) Waterfowl hunters must have their waterfowl hunting tag filled out with the date and blind/stake number or hunting location. The card must be in possession of the hunter while hunting. All waterfowl harvested must be reported on the waterfowl hunting tag and returned daily to the drop box at the hunter check station no later than 2:00 p.m.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- ~~J)~~ ~~All hunting parties are required to report to the check station immediately after vacating their blind/hunting area and/or no later than 4:00 p.m. At that time, waterfowl harvested must be checked in and displayed to the check station operator. Only then will the hunting license be returned to the hunter.~~
- ~~JK)~~ All hunters must park in designated areas only. All areas are marked with corresponding numbers or area designations. Only one vehicle per hunting party will be allowed, unless approval is granted by check station operator.
- ~~KL)~~ Within the blind area, a minimum of 12 decoys per hunting party are required while hunting waterfowl. No decoys are required within the walk-in areas. All decoys must be removed from the area at the end of the day's hunt.
- ~~LM)~~ A 25 shotgun shell limit per hunter, per day, applies on this area. It is unlawful for a hunter to have in his or her possession more than 25 shotgun shells while on the site.
- ~~M)~~ Hunting must be from allocated blind or staked location. Hunters may hunt other designated waterfowl hunting areas that do not have blinds or stakes; however, they must maintain a minimum distance of 200 yards from the nearest blind, stake or other hunting parties.
- ~~N)~~ ~~All hunting must be conducted from the allocated blind. Hunting outside of allocated blinds is not permitted, except within the walk-in areas.~~
- ~~NΘ)~~ Attempts to claim a blind/stake by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. Insertion of a boat into a boat hide and/or the spread of decoys before a blind/stake shall not be considered legal occupation of a blind.
- ~~OP)~~ Due to safety factors, persons under 16 years of age shall not hunt, or attempt to hunt, unless accompanied by a parent, legal guardian,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

or person designated by the parent or guardian who is 18 years of age or older.

PQ) Claiming or attempting to claim any blind/stake that is legally occupied and/or harassing, in any manner, the occupants of a blind/stake that is legally occupied is unlawful.

QR) Boats without motors may be used within the walk-in areas.

3034) Newton Lake State Fish and Wildlife Area

- A) Blind sites shall be allocated by a daily drawing to be conducted at 4:30 a.m. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct drawing) shall be allocated on a first come-first served basis until one hour before shooting time; and then after 9:00 a.m. All hunters must register before entering the hunting area. Hunting hours end at 1:00 p.m.; all hunters must be off the water or out of the field by 2:30 p.m. daily.
- B) Upon vacating their blinds, all hunters must place their completed harvest cards in the collection box located at the boat ramp or site headquarters.
- C) There will be duly posted waterfowl refuges. These areas shall be closed to all boat traffic and boat fishing during the waterfowl season.
- D) No more than 4 persons shall occupy a blind at one time.
- E) The west arm of the lake shall be closed to all waterfowl hunting.
- F) Blind sites shall be determined by the Department of Natural Resources and marked with numbered stakes. When it is deemed necessary, the Department shall remove, move or close blind sites in order to carry out the operations of the overall management program.
- G) Hunters wishing to move to another vacant blind location may do

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

so on a first come-first served basis, providing they include the blind change on the harvest card and report their kill for each blind. If hunters do not occupy the stake they have drawn by legal shooting time, they forfeit the right to the staked hunting location.

- H) Access to water blind sites shall be by boat only and from the east side boat ramps. Access to land sites shall be by walk-in only and from nearby hunter parking lots. No parking is allowed along county roads.
- I) All water hunting must be from one portable blind or one anchored portable boat blind located between the assigned numbered stakes, no more than 10 yards from shore. All land hunting must be done from a position within 50 feet of the assigned numbered stake.
- J) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.
- K) Blind site water: A position between 2 like numbered stakes where a blind may be located. Blind site land: A position within 50 feet of numbered stakes where a hunter may set up or a temporary blind may be located.
- L) Fishing shall be prohibited in the east arm of the lake during the waterfowl season.
- M) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.
- N) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department will close the lake area to all fishing and all boating activity except for non-water hunting programs.
- O) This site is closed to all users except firearm deer hunters during the firearms deer seasons.
- P) During the last 3 days of Canada Goose season, hunting hours shall

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

close at sunset daily.

3132) Oakford State Conservation Area (1)

3233) Pyramid State Park – Captain Unit

- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
- B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
- D) 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.
- E) Blind sites will be allocated by daily drawing at the Galum Unit Office beginning at 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January. All hunting must occur within 10 yards of an assigned, numbered stake, except for stakes identified at the check station where hunters may hunt from any place in the wetland in which the stake is located. There will be no moving to staked locations after initial drawing.
- F) Successful participants must have their lottery card stamped with the date and blind number. The card must be in the possession of the hunter or group while hunting. Waterfowl harvested must be reported on blind selection card and returned daily to a hunter check station box.
- G) Waterfowl hunters not participating in daily draw must report their harvest on site hunting permit by February 15.
- H) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- I) Waterfowl hunters may not hunt on main lakes other than staked

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

locations. Hunters may hunt crop fields and wetlands that have not been staked; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.

- J) No waterfowl hunting is allowed within 200 yards of the Captain Unit Waterfowl Rest Area or within 100 yards of any private property boundary.
- K) The land and water portion of the Captain Unit Waterfowl Rest Area is closed to all entry from October 28 through February 28. The location of the Captain Unit Waterfowl Rest Area is described as follows: All land and water west of Panda Bear Road north to Northern Haul Road, then south on Beltline Road to Western Haul Road, then east on Pyatt-Cutler Road.
- L) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.
- M) The area is closed to waterfowl hunting on Mondays and December 25.

3334) Pyramid State Park – Denmark Unit

- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
- B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
- D) All hunters must register as a group, but no more than 4 names shall be listed per card. A hunter's name may only appear on one lottery card.
- E) Blind sites will be allocated by daily drawing at the Galum Unit office beginning at 4:30 a.m. in November, 5:00 a.m. in December

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

and 5:30 a.m. in January. All hunting must occur within 10 yards of an assigned, numbered stake, except for stakes identified at the check station where hunters may hunt from any place in the wetland in which the stake is located. There will be no moving to staked locations after initial drawing.

- F) Successful participants must have their lottery card stamped with the date and blind number. The card must be in the possession of the hunter or group while hunting. Waterfowl harvested must be reported on blind selection card and returned daily to a hunter check station box.
- G) Waterfowl hunters not participating in daily draw must report their harvest on site hunting permit by February 15.
- H) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- I) Waterfowl hunters may not hunt on main lakes other than staked locations. Hunters may hunt crop fields and wetlands that have not been staked; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.
- J) No waterfowl hunting within 200 yards of Denmark Unit Waterfowl Rest Area and 100 yards of any private property boundary.
- K) The land and water portion of the Denmark Unit Waterfowl Rest Area is closed to all entry from October 28 through February 28. The location of the Denmark Unit Waterfowl Rest Area is described as follows: All land and water east of field DM 72 following Pipestone Creek, north and then east along Seven Island Trust Property Boundary, then east to Eastern Haul Road, then north to Pyatt-Cutler Road.
- L) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- M) The area is closed to waterfowl hunting on Mondays and December 25.

3435) Pyramid State Park – East Conant Unit

- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
- B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
- D) No more than 4 hunters to a party.
- E) No waterfowl hunting within 100 yards from any private property boundary.
- F) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.
- G) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- H) Hunters may hunt crop fields and wetlands; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.
- I) The area is closed to waterfowl hunting on Mondays and December 25.

3536) Pyramid State Park – Galum Unit

- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
- B) Hunting hours are from legal opening to 1:00 p.m.; hunters must

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

be out of the field by 2:00 p.m.

- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
- D) All hunters must register as a group, but no more than 4 names shall be listed per card. A hunter's name may only appear on one lottery card.
- E) Blind sites will be allocated by daily drawing at the Galum Unit Office beginning at 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January. All hunting must occur within 10 yards of an assigned, numbered stake, except for stakes identified at the check station where hunters may hunt from any place in the wetland in which the stake is located. There will be no moving to staked locations after initial drawing.
- F) Successful participants must have their lottery card stamped with the date and blind number. The card must be in the possession of the hunter or group while hunting. Waterfowl harvested must be reported on blind selection card and returned daily to a hunter check station box.
- G) Waterfowl hunters not participating in daily draw must report their harvest on site hunting permit by February 15.
- H) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- I) Waterfowl hunters may not hunt on main lakes other than staked locations. Hunters may hunt crop fields and wetlands that have not been staked; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.
- J) No waterfowl hunting within 100 yards of any private property boundary.
- K) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Canada goose allowed in the daily bag.

- L) The area is closed to waterfowl hunting on Mondays and December 25.

3637) Ray Norbut State Fish and Wildlife Area (1)

3738) Rend Lake Project Lands and Waters

- A) All waterfowl hunters and all boats must be out of the Casey Fork and Big Muddy subimpoundments by 2:00 p.m. each day of the waterfowl season and not return until 4:30 a.m., except during the last 3 days of the Canada goose season, hunters must be out of the areas by one hour after sunset and not return until 4:30 a.m.
- B) No hunting permitted from the subimpoundment dams.
- C) While waterfowl hunting, no one may have in his/her possession any tool or device designed to cut brush or limbs, except common hunting knives and pocket knives.
- D) No waterfowl hunting permitted within 200 yards of the refuge boundary, or within 100 yards of any private property boundary.
- E) All boat traffic is prohibited from entering the subimpoundments from one week before waterfowl season until opening day of waterfowl season.
- F) All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
- G) Air boats will not be allowed in the Casey Fork Subimpoundment, the Big Muddy Subimpoundment, and the impoundments on Corps of Engineers' managed areas such as Atchison Creek, Gun Creek and Rend City Wetland during the regular duck and Canada goose seasons. When ice conditions do not allow access at boat ramps by normal watercraft, then air boats can be used in the Casey Fork and Big Muddy Subimpoundments.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- H) Permanent blinds at the Whistling Wings Access Area shall be regulated as follows:
- i) During goose season, a separate drawing will be held for the pits at Whistling Wings. This drawing will be held at the Cottonwood check station following the drawing for staked hunting sites. Hunters may not register for more than one drawing per day. Unsuccessful hunters in the drawing for Whistling Wings pits may select any unclaimed staked location after the drawings.
 - ii) Hunters who wish to hunt together must register as a hunting party and be present at the drawing.
 - iii) All hunters must have the registration card from the check station in their possession while hunting.
 - iv) Hunting parties can only hunt from the pit location that they chose in that day's drawing. No moving to or hunting from any other pit location is allowed.
 - v) No more than 6 dozen decoys may be used per pit.
 - vi) No more than 4 hunters will be allowed in a pit or hunting party.
- I) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
- J) During the last 3 days of Canada goose season, hunting hours shall close at sunset daily.
- K) The land and water portion of the Rend Lake Refuge is closed to trespassing during waterfowl season. The location of the Rend Lake Refuge is described as follows:
- i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.
 - iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.
 - iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.
 - v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork Subimpoundment Dam.
 - vi) Bounded on Nason Point by refuge boundary signs at project limits.
- L) After the close of regular duck season, goose hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.
- M) Staked Hunting Areas – Those areas designated as a staked hunting area will be publicly announced and the following regulations will apply:
- i) All hunting must occur within 10 yards of an assigned, numbered stake except for stakes identified at the check station where hunters may hunt from any place in the field in which the stake is located.
 - ii) Stakes will be assigned via a daily drawing held at 4:00 a.m. during November, 4:30 a.m. in December and 5:00 a.m. in January.
 - iii) Check station at the Bonnie Dam Access Area will be operated on a daily basis through the second weekend of the waterfowl season. Thereafter, Bonnie Dam check station will only be open on weekends and holidays as posted at the check station. Cottonwood Access Area will

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

be operated on a daily basis throughout the waterfowl season for both Bonnie Dam and Cottonwood Hunting Areas. Hunters who wish to hunt together at a staked location must register as a hunting party and be present for the drawing. Only those persons in that party may hunt at the assigned stake. No more than 5 persons shall be in a hunting party.

- iv) All hunters must register at the check station. Hunters arriving at the check station after the initial draw will have the opportunity to select any stakes that are still available up to one hour before legal shooting time. Hunters may enter the subimpoundment up to ½ hour before legal shooting time or between 9:00 a.m. and 9:30 a.m.
- v) Hunting parties can only hunt from the staked hunting location that they chose in that day's drawing. No moving to or hunting from any other staked hunting location is allowed. Once a staked hunting location is killed out, no other hunting party may hunt from that stake for the remainder of that day.
- vi) When hunting parties have killed their legal daily bag limit of ducks (not including coots and mergansers) and/or Canada geese in respect to the legal hunting season dates they must vacate the hunting site.
- vii) Hunters must sign in and out and report their harvest on the cards at the access area where they launch.

3839) Sahara Woods State Fish and Wildlife Area (1)

3940) Saline County State Conservation Area (1)

- A) Waterfowl hunting is allowed north of the township road only.
- B) Walk-in hunting only.
- C) Hunters must sign in prior to hunting and sign out reporting

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

harvest at the end of each day.

- 4041) Sand Ridge State Forest (Sparks Pond Land and Water Reserve) (1)
- A) Hunting is permitted on Tuesdays and Saturdays during the duck season. Permits are issued on a first come-first served basis.
 - B) Two hunters are allowed per blind. At least one hunter must have a P-2 handicapped certification.
 - C) Hunters must report harvest to site office.
- 4142) Sanganois State Fish and Wildlife Area
- A) Hunters using the main walk-in hunting area from opening day of the Central Zone duck season through the first Sunday of the Central Zone duck season must have a permit issued from the site office. Procedures for issuance of permits will be publicly announced.
 - B) Hunters using the walk-in area shall use the check station at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.
 - C) Walk-in waterfowl hunting shall be permitted only in the area posted for this purpose.
 - D) All hunters using a walk-in area must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to area.
 - E) Topper's Hole is a walk-in area accessed by boat only, no check-in, check-out, no permanent blinds, hunting parties must stay at least 200 yards apart, hunting parties shall hunt over no less than 12 decoys, daily hunting hours are legal shooting hours through 1:00 p.m. CST.
 - F) The Baker tract is a daily-draw walk-in area with 4 separate

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

hunting compartments. One party of hunters (up to 4 hunters per party) will be permitted to hunt in each hunting compartment. The allocation of the 4 Baker tract hunting compartments will be by daily draw as part of the site's daily draw vacant blind allocation. Parties must register for the draw together on the same card.

- G) Upon the completion of hunting, hunters must report to the check station within one hour.
- H) Fishing is prohibited in the impoundment areas during the duck season, except that walk-in only access for fishing from the bank is permitted after 1:00 p.m.
- I) No person shall trespass on the Barkhausen Refuge during the period from October 1 through end of goose season.
- J) No person shall trespass on the Marion-Pickerel Waterfowl Refuge during the period from October 1 through the last day of the waterfowl season, unless prior permission for a specific reason (such as access to private land or to retrieve dead or wounded game) is granted by the site superintendent.
- K) When the Central Zone goose season extends beyond the duck season, goose hunting shall be permitted with statewide hunting hours in effect. Hunters need not occupy a blind. All hunting must be conducted within non-refuge areas.
- L) No hunting permitted from the walk-in area subimpoundment levee.
- M) Hunters may use boats without motors in the walk-in area; the construction and/or use of permanent blinds in the walk-in area is prohibited.

4243) Sangchris Lake State Park

- A) During the last 3 days of the regularly scheduled Canada goose season, hunting hours will close at statewide closing.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- B) Blind sites shall be allocated by a daily drawing to be conducted 90 minutes prior to hunting time. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct the drawing) shall be allocated on a first come-first served basis. (During that portion of the Canada goose season which follows the duck season, the west side goose pit area, the west arm blind sites and east arm blind sites south of power lines shall be available for goose hunting and shall be allocated on a daily drawing basis to be held at 5:30 a.m. daily.)
- C) During that portion of the light goose season which follows the regular Canada goose season, the west-side goose pit area blinds, subimpoundment blinds, and designated fields west of the west boat ramp shall be available daily on a first come-first served basis. Hunters must sign in at the appropriate parking area no earlier than 5 a.m.
- D) All hunting must be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.
- E) Upon vacating their blinds, hunters must place their completed harvest cards in the collection boxes located at either the east or west boatdock.
- F) There will be a duly posted waterfowl refuge. These areas shall be closed to all boat traffic (except as allowed in subsection (b)(42)(K)) and boat fishing during the waterfowl season. Bank fishing along the dam shall be permitted.
- G) No more than 4 persons shall occupy a blind at one time.
- H) The center arm of the lake shall be closed to all waterfowl hunting.
- I) Blind sites shall be determined by the Department of Natural Resources and marked with a numbered stake. When it is deemed necessary, the Department of Natural Resources shall remove, move or close blind sites in order to carry out the operations of the overall management program.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- J) Hunters wishing to move to another blind location may do so after 10 a.m. providing they include the blind change on the harvest card and report their kill for each blind.
- K) Access to water blind sites shall be by boat only and from designated boat launch sites. Blinds on the peninsula subimpoundment shall be accessed on foot once the hunter has reached the peninsula by boat. Corridors located along the edges of the existing refuge will be established to provide access to all available blind sites as designated by site superintendent when conditions warrant.
- L) All hunting must be from one portable blind or one anchored portable boat blind located within a numbered cove and between the assigned numbered stakes or from one Department designated blind or pit.
- M) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.
- N) No unauthorized pits or blinds shall be built on State managed land.
- O) Blind sites: A position between 2 like numbered stakes within a cove or other Department designated site where a blind may be located.
- P) Fishing shall be prohibited in the east and west arms of the lake during the period from 10 days prior to the duck season through the end of the duck season, unless the youth waterfowl hunt is more than 10 days before the regular duck season, then the east and west arms will be closed to accommodate the youth waterfowl hunt. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the Canada goose season that follows the duck season.
- Q) Each party must hunt over a minimum of 12 decoys, and all decoys

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

must be removed at the end of each day's hunt.

- R) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department of Natural Resources will close the lake area to all fishing and all boating activity except for non-water hunting programs.
- S) During flood conditions, waterfowl hunters may hunt the tailwaters of Sangchris Lake dam including Clear Creek and the South Fork of the Sangamon River. Decoys must be removed at the end of each day's hunt.
- T) West-side goose pit area blinds will be available every day each week except Tuesday and Wednesday, through the regular Canada goose season, except for the Tuesday and Wednesday preceding the last day of the Canada goose season.
- U) Hunters in the west-side goose pit area may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit after the close of the Central Zone duck season.
- V) All blinds will be closed during the first day of the second firearm deer season; hunting hours will be from statewide hunting hours until 10:00 a.m. the remaining days of the second firearm deer season.

4344) Shawnee National Forest, Upper and Lower Bluff Lakes
Goose hunting is prohibited at Lower Bluff Lake. Legal entry time is 4:30 a.m. and exit time is 2:00 p.m. for all hunters in flooded management compartments.

4445) Shawnee National Forest, LaRue Scatters
All hunting must be by walking in or in boats without motors. Legal entry time is 4:30 a.m. and exit time is 2:00 p.m. for all hunters in flooded management compartments.

4546) Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy levee)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- A) All hunting must be by walking into the area.
- B) Each hunting party must hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.
- C) No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the subimpoundment area.
- D) Legal entry time is 4:30 a.m. and exit time is 2:00 p.m. for all hunters in flooded management compartments.

4647) Shelbyville State Fish and Wildlife Area

- A) Waterfowl hunting shall be permitted as described in this subsection (b)(47) except in duly posted restricted and "No Hunting" areas.
- B) Waterfowl hunting in the Fish Hook, North Dunn, McGee, and Jonathan Creek Waterfowl Areas shall be allotted by a daily drawing for the first 24 days ~~offer~~ the regular waterfowl season. Parties must register for drawings between 3:00 a.m. and 4:00 a.m. Central Standard Time at the check station on those days. Each party drawn shall be allowed to choose one of the staked sites in the waterfowl area. Parties must select sites in the order they are drawn. Maximum party size is 4 persons. In addition, the following regulations shall apply.
 - i) All parties must hunt within 10 yards of their assigned stake.
 - ii) All parties must be in place by ½ hour before hunting time.
 - iii) All parties are required to report their harvest by 2:00 p.m. following each hunt.
- C) Hunting in the Jonathan Creek, North Dunn and McGee Waterfowl Areas shall be restricted to designated, staked sites on a first come-first served basis except as noted in subsection (b)(47)(B). Hunting in the Fish Hook Area shall be restricted to designated,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

staked sites on a first come-first served basis for the first 14 days of the Illinois Central Zone duck season, except as noted in subsection (b)(47)(B). A hunting party must hunt within 10 yards of the stake.

- D) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas is required to hunt over a minimum of 12 decoys.
- E) Motors of over 10 horsepower shall not be operated in the Fish Hook, Jonathan Creek, Dunn and McGee Waterfowl Areas.
- F) Waterfowl hunting only is permitted in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season, except that pheasant, rabbit and quail hunting is permitted after 1:00 p.m. daily beginning the day after the close of the Central Zone Duck Season.
- G) During the regular waterfowl season, only licensed waterfowl hunters with valid site waterfowl permits who are in the pursuit of waterfowl are permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad bridge from ½ hour before sunrise until 1:00 p.m.
- H) A free permit is required, which can be obtained from the site office. Permits must be in possession while hunting waterfowl. The permit must be returned and harvest reported by February 15 or the hunter will forfeit hunting privileges at this site for the following year.

4748) Sielbeck Forest State Natural Area (1)

4849) Stephen A. Forbes State Park

- A) On the main lake hunting is allowed from a boat blind only in the designated areas.
- B) Only walk-in hunting is allowed in the subimpoundment.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- C) Hunting shall be allowed on a first come-first served basis. All hunters must use 12 decoys, minimum.

4950) Ten Mile Creek State Fish and Wildlife Area (1)

- A) Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15.
- B) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
- C) Areas designated as Rest Areas are closed to all access during the Canada Goose Season only. Rest Area designation has been given to that part of the Belle Rive unit that lies south of Auxier Creek and is posted as Rest Area, and the 250 acre tract at the Western edge of the Eads Mine unit.
- ~~D) After the close of the duck season, goose hunters in that portion of Ten Mile Creek that lies in the Rend Lake Quota Zone may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.~~

5054) Turkey Bluffs State Fish and Wildlife Area (1)
All hunters must sign in and out and report kill.

5152) Union County State Fish and Wildlife Area (Firing Line Waterfowl Management Area)

- A) Blind sites shall be allocated on a daily draw basis at the site shop building 60 minutes prior to hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select a blind site in order drawn; only those hunters registered in a party shall be allowed to hunt with their party; no less than 2 hunters and no more than 4 hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
- B) Blinds not allocated during the drawing will not be hunted that day. Moving from blind to blind is not allowed.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- C) Access to blind sites is from Clear Creek Levee only.
- D) Each hunting party must hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- E) Hunting hours end at 1:00 p.m. and all hunters must be out of the area by 2:00 p.m. Daily entry into the area is restricted until after the drawing for hunting sites.
- F) When duck season is closed, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

5253) Weinberg-King State Park – Spunky Bottoms Unit (1)
No access restrictions; sign in/sign out required.

(Source: Amended at 33 Ill. Reg. 14671, effective October 13, 2009)

Section 590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites

- a) During goose hunting seasons that begin before or extend beyond the regular duck season, statewide regulations and site specific regulations for goose hunting, as indicated in Sections 590.40, 590.50 and 590.60, shall apply to all sites (except those closed in subsections (c), (d), (e) and (f)) with the following exceptions:
 - 1) Check in and check out (or sign in and out) is required only at sites with an asterisk (*).
 - 2) No fees will be charged for hunting for seasons before duck season or for seasons after the regular Canada goose season.
 - 3) No sites are closed to fishing during seasons before the regular duck season or for seasons after the regular Canada goose season.
 - 4) Hunting from a completed blind or staked site is waived during seasons held before the regular duck season or for seasons held after the regular Canada goose season at sites marked with an @.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 5) Hunting from a staked site (blind need not be completed) is required during seasons held before the regular duck season at sites marked with a #.
 - 6) During goose seasons held prior to regular duck season, no hunting is allowed in designated dove management fields or within 100 yards of such fields.
 - 7) During goose seasons held after the Canada goose season all restrictions regarding the use of decoys or the number of shotgun shells that hunters can possess are no longer in force.
 - 8) During goose seasons held after Canada goose season, statewide hunting hours apply.
- b) The following sites will be open to all goose hunting seasons:
- | Blanding [State](#) Wildlife Area @
 - | Cache River [State](#) Natural Area *
 - Carlyle Lake Project Lands and Waters, including North Allen Branch Waterfowl Management Area (no early goose hunting east of Kaskaskia River from Cox's Bridge Access north to the Department's boundary line) *
 - Chain O'Lakes State Park #
 - | Chauncey Marsh [State Natural Area](#) (permit required, available at Red Hills State Park)
 - Clinton Lake State Recreational Area – early season goose hunting in waterfowl hunting areas east of Parnell Bridge and North of Route 54 only. Any goose hunting seasons after the regular Canada goose seasons will close March 15.
 - | Des Plaines [State](#) Conservation Area #
 - Devil's Island State Fish and Wildlife Area
 - | Dog Island [State](#) Wildlife Management Area *

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Fort de Chartres Historic Site

Horseshoe Lake State Park (Madison County) (blind builders or partners must occupy their blinds by ½ hour before opening hunting hour each day in order to claim their blind for the day; attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest; the insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind) # *

Kaskaskia River State Fish and Wildlife Area (Baldwin Lake Waterfowl Rest Area is closed to hunting) *

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville (except West Okaw and Kaskaskia Fish and Wildlife Area)

Marshall State Fish and Wildlife Area – Sparland and Duck Ranch Units @

Marshall State Fish and Wildlife Area – Spring Branch and Marshall Units * @

Meredosia Lake [State Fish and Wildlife Area](#)

Mississippi River State Fish and Waterfowl Management Area (Pools 25 and 26) (no hunting is allowed in the designated Batchtown Waterfowl Rest Area, Crull Hollow Rest Area and Godar Rest Area; blind builders or partners must occupy their blinds by ½ hour before opening hunting hour each day in order to claim their blind for the day; attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest; the insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind) @

Mississippi River Pools 16, 17, and 18 @

Mississippi River Pools 21, 22, and 24 @

Oakford [State](#) Conservation Area

Rend Lake Project Lands and Waters @

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Saline County State Conservation Area *

Sanganois State Fish and Wildlife Area * @

Shawnee Forest, LaRue Scatters

Shawnee Forest, Oakwood Bottoms

Shawnee Forest, Upper Bluff Lake

Ten Mile Creek State Fish and Wildlife Area (permit required; rest areas open to hunting during goose season before and after the regular goose season)

Turkey Bluffs State Fish and Wildlife Area *

Weinberg-King State Park – Spunky Bottoms Unit (1)

Woodford State Fish and Wildlife Area * @

- c) The following sites will be open to any goose hunting seasons that occur before the regular duck season through the end of the regular Canada goose season:

Anderson Lake (closed after regular duck season) * @

~~Clinton Lake State Recreation Area (hunting will be in designated walk-in areas only; boat blinds allowed where hunting will be within 50 yards of a staked site; free site permit required; no hunting within 200 yards of developed areas, construction zones and 300 yards of electrical power lines; no more than 4 persons per blind and a minimum of 12 decoys must be used)~~

Coffeen Lake State Fish and Wildlife Area (hunting north of County Road N6th only; no fishing north of County Road N6th during this season) * #

Lake Shelbyville – West Okaw and Kaskaskia State Fish and Wildlife Area (must have site specific permit)

Ray Norbut State Fish and Wildlife Area *

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Rice Lake (season opens with teal season; sunrise until 1:00 p.m.; closed after regular duck season) * @

Siloam Springs State Park (open prior to regular duck season only) * #

- d) The following sites will be open to all goose hunting during any Canada goose hunting seasons that occur after the regular duck season:

Banner Marsh State Fish and Wildlife Area * @

Braidwood State Fish and Wildlife Area *

Double T State Fish and Wildlife Area (hunters must check in and out at the self-check box on the site; hunting from stakes or pits only; 4 persons per stake; hunters cannot check in before 5:00 a.m. the day of the hunt; stakes or pots allocated on a first come-first served basis)*

Heidecke State Fish and Wildlife Area *

Kankakee River State Park

Lake DePue State Fish and Wildlife Area *

Lake Sinnissippi State Fish and Wildlife Area

Newton Lake State Fish and Wildlife Area *

Pekin Lake Fish and Wildlife Area

Spring Lake State Fish and Wildlife Area (hunting from registered blinds or within 10 yards of staked blind sites is permitted after the close of the duck season) *

Starved Rock State Park *

William W. Powers State Conservation Area

- e) The following sites will be open to any goose hunting seasons that occur after the regular Canada goose hunting season:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Double T State Fish and Wildlife Area (from pits or staked blind sites only)*

Horseshoe Lake Conservation Area (controlled hunting and public hunting areas)

* @

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Units (site permit and harvest report required)

Jim Edgar Panther Creek State Fish and Wildlife Area (Open Unit, West Open Unit, Quail Management Unit only)

Pyramid State Park – Captain Unit (no hunting in Captain Unit Waterfowl Rest Area) @

Pyramid State Park – Denmark Unit (no hunting in Denmark Unit Waterfowl Rest Area) @

Pyramid State Park – East Conant Unit

Pyramid State Park – Galum Unit @

Sangchris Lake State Park *

Stephen A. Forbes State Park *

Snakeden Hollow State Fish and Wildlife Area (from pits only) *

Union County State Conservation Area (firing line and controlled hunting area) *
@

~~William W. Powers Conservation Area~~

- f) The following sites will be closed to all goose hunting seasons that occur outside the regular duck season dates:

Donnelley State Fish and Wildlife Area

Mazonia State Fish and Wildlife Area *

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Mermet Lake State Fish and Wildlife Area

Powerton Lake State Fish and Wildlife Area~~Reservoir~~

Redwing Slough/Deer Lake State Natural Area

- g) The following sites will be open to any goose hunting seasons that occur before the regular duck season and after the regular Canada goose season:

Kidd Lake State Natural Area

- h) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 33 Ill. Reg. 14671, effective October 13, 2009)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Illinois List of Endangered and Threatened Fauna
- 2) Code Citation: 17 Ill. Adm. Code 1010
- 3) Section Number: 1010.30 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7]
- 5) Effective Date of Amendment: October 30, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including 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 Illinois Register: June 12, 2009; 33 Ill. Reg. 7498
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

Section 1010.30(c) – Sub-headings were added to identify the species listed as "Salamanders", "Turtles" or "Snakes".

Section 1010.30(d) – Sub-headings were added to identify the species listed as "Salamanders", "Frogs and Toads", "Turtles" or "Snakes".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Rulemaking: The changes to this list were approved by the Illinois Endangered Species Protection Board, are supported by sufficient scientific evidence, and are compliant with criteria established in 520 ILCS 10/7 and in Section 5.1.1 of the Illinois Endangered Species Protection Board Policy and Operation Manual. Pursuant to 520 ILCS 10/6, the Board is required to review and revise the Illinois List of Endangered and Threatened Fauna at a minimum of every 5 years.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Stanley Yonkauski, 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 c: ENDANGERED SPECIES

PART 1010
 ILLINOIS LIST OF ENDANGERED AND THREATENED FAUNA

Section

1010.10	Official List
1010.20	Definitions
1010.25	Criteria Used for Listing
1010.30	List
<u>1010.40</u>	<u>Effective Date (Repealed)</u>

AUTHORITY: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7].

SOURCE: Filed December 21, 1977, effective December 31, 1977; codified at 5 Ill. Reg. 10653; amended at 8 Ill. Reg. 13705, effective July 25, 1984; amended at 13 Ill. Reg. 4179, effective March 17, 1989; amended at 16 Ill. Reg. 103, effective December 20, 1991; amended at 18 Ill. Reg. 1134, effective January 18, 1994; 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. 3118, effective March 3, 1997; amended at 23 Ill. Reg. 5556, effective April 26, 1999; amended at 28 Ill. Reg. 12895, effective September 1, 2004; amended at 33 Ill. Reg. 14739, effective October 30, 2009.

Section 1010.30 List

a) ENDANGERED FISHES OF ILLINOIS

Northern Brook Lamprey	Ichthyomyzon fossor
Lake Sturgeon	Acipenser fulvescens
Pallid Sturgeon**	Scaphirhynchus albus
River Chub	Nocomis micropogon
Sturgeon Chub	Macrhybopsis gelida
Bigeye Chub	Hybopsis amblops
Pallid Shiner	Hybopsis amnis
Pugnose Shiner	Notropis anogenus
Bigeye Shiner	Notropis boops

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Blacknose Shiner	Notropis heterolepis
Taillight shiner	Notropis maculatus
Weed Shiner	Notropis texanus
Cypress Minnow	Hybognathus hayi
Greater Redhorse	Moxostoma valenciennesi
Northern Madtom	Noturus stigmosus
<u>Redspotted Sunfish</u>	<u>Lepomis miniatus</u>
Bluebreast Darter	Etheostoma camurum
Western Sand Darter	Ammocrypta clarum
Harlequin Darter	Etheostoma histrio

b) THREATENED FISHES OF ILLINOIS

Least Brook Lamprey	Lampetra aepyptera
Cisco	Coregonus artedi
Gravel Chub	Erimystax x-punctatus
Ironcolor Shiner	Notropis chalybaeus
Blackchin Shiner	Notropis heterodon
River Redhorse	Moxostoma carinatum
Eastern Sand Darter	Ammocrypta pellucidum
Longnosed Sucker	Catostomus catostomus
Banded Killifish	Fundulus diaphanus
Starhead Topminnow	Fundulus dispar
<u>Redspotted Sunfish</u>	<u>Lepomis miniatus</u>
Bantam Sunfish	Lepomis symmetricus
Iowa Darter	Etheostoma exile

c) ENDANGERED AMPHIBIANS AND REPTILES OF ILLINOIS

Salamanders

<u>Eastern Hellbender</u>	Cryptobranchus alleganiensis
Silvery Salamander	Ambystoma platineum
Spotted Dusky Salamander	Desmognathus conanti
<u>Mudpuppy</u>	<u>Necturus maculosus</u>

Turtles

Alligator Snapping Turtle	Macrochelys temminckii
<u>Blanding's Turtle</u>	<u>Emydoidea blandingii</u>
<u>Yellow Illinois Mud Turtle</u>	Kinosternon flavescens

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Smooth Softshell

Spotted Turtle
River Cooter

Apalone mutica

Clemmys guttata
Pseudemys concinna

Snakes

Coachwhip
Broad-banded Watersnake
Great Plains Ratsnake
Eastern Massasauga

Masticophis flagellum
Nerodia fasciata
Pantherophis~~Elaphe~~ emoryi
Sistrurus catenatus

d) THREATENED AMPHIBIANS AND REPTILES OF ILLINOIS

Salamanders

Jefferson Salamander
Four-toed Salamander

Ambystoma jeffersonianum
Hemidactylum scutatum

Frogs and Toads

Bird-voiced Treefrog
Illinois Chorus Frog
Eastern Narrowmouth Toad

Hyla avivoca
Pseudacris ~~illinoensis~~streekeri
Gastrophryne carolinensis

Turtles

Blanding's Turtle
Ornate Box Turtle

Emydoidea blandingii
Terrapene ornata

Snakes

Lined Snake
Plains Hog-Nosed~~Western Hognose~~
Snake
Mississippi Green Watersnake
Flathead Snake
Kirtland's Snake
Eastern Ribbonsnake
Timber Rattlesnake

Tropidoclonion lineatum
Heterodon nasicus
Nerodia cyclopion
Tantilla gracilis
Clonophis kirtlandi
Thamnophis sauritus
Crotalus horridus

e) ENDANGERED BIRDS OF ILLINOIS

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

American Bittern	Botaurus lentiginosus
Snow Egret	Egretta thula
Little Blue Heron	Egretta caerulea
Black-crowned Night Heron	Nycticorax nycticorax
Yellow-crowned Night Heron	Nyctanassa violacea
Osprey	Pandion haliaetus
<u>Mississippi Kite</u>	<u>Ictinia mississippiensis</u>
Northern Harrier	Circus cyaneus
Swainson's Hawk	Buteo swainsoni
Greater Prairie Chicken	Tympanuchus cupido
Black Rail	Laterallus jamaicensis
King Rail	Rallus elegans
Piping Plover**	Charadrius melodus
Upland Sandpiper	Bartramia longicauda
Wilson's Phalarope	Phalaropus tricolor
<u>Common Moorhen</u>	<u>Gallinula chloropus</u>
<u>Loggerhead Shrike</u>	<u>Lanius ludovicianus</u>
Common Tern	Sterna hirundo
Forster's Tern	Sterna forsteri
Least Tern**	<u>Sternula</u> Sterna antillarum
Black Tern	Chlidonias niger
Barn Owl	Tyto alba
Short-earned Owl	Asio flammeus
Bewick's Wren	Thryomanes bewickii
Swainson's Warbler	Limnothlypis swainsonii
Yellow-headed Blackbird	Xanthocephalus xanthocephalus
<u>Black-billed Cuckoo</u>	<u>Coccyzus erythrophthalmus</u>

f) THREATENED BIRDS OF ILLINOIS

Least Bittern	Ixobrychus exilis
<u>Bald Eagle</u>	<u>Haliaeetus leucocephalus</u>
Peregrine Falcon	Falco peregrinus
<u>Common Moorhen</u>	<u>Gallinula chloropus</u>
<u>Sandhill Crane</u>	<u>Grus canadensis</u>
<u>Loggerhead Shrike</u>	<u>Lanius ludovicianus</u>
Cerulean Warbler	Dendroica carulea
<u>Henslow's Sparrow</u>	<u>Ammodramus henslowii</u>
<u>Mississippi Kite</u>	<u>Ictinia mississippiensis</u>

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

g) ENDANGERED MAMMALS OF ILLINOIS

Southeastern Myotis	Myotis austroriparius
Gray Bat**	Myotis grisescens
Indiana Bat**	Myotis sodalis
Rafinesque's Big-eared Bat	Corynorhinus rafinesquii
Eastern Wood Rat	Neotoma floridana

h) THREATENED MAMMALS OF ILLINOIS

Gray/Timber Wolf	Canis lupus
Franklin's Ground Squirrel	Spermophilus franklinii
Golden Mouse	Ochrotomys nuttalli
Rice Rat	Oryzomys palustris

i) ENDANGERED INVERTEBRATE ANIMALS OF ILLINOIS

Snails

Iowa Pleistocene Snail**	Discus macclintocki
Hydrobiid Cave Snail	Fontigens antroecetes
Shawnee Rocksnail	Lithasia obovata

Mussels

Spectaclecase	Cumberlandia monodonta
Salamander Mussel	Simpsonaias ambigua
Rabbitsfoot	*Quadrula cylindrica
Orange-foot Pimpleback**	Plethobasus cooperianus
Sheepnose	Plethobasus cyphus
Clubshell**	Pleurobema clava
Ohio Pigtoe	Pleurobema cordatum
Kidneyshell	Ptychobranhus fasciolaris
Fanshell**	Cyprogenia stegria
Fat Pocketbook**	Potamilus capax
Purple Lilliput	Toxolasma lividus
Rainbow	Villosa iris
Pink Mucket	Lampsilis abrupta
Wavy-rayed Lampmussle	Lampsilis fasciola

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Higgins Eye** Snuffbox	Lampsilis higginsii Epioblasma triquetra
Crustaceans	
Anomalous Spring Amphipod	Crangonyx anomalus
Pacard's Cave Amphipod	Crangonyx packardi
Illinois Cave Amphipod	Gammarus acherondytes
Iowa Amphipod	Stygobromus iowae
Indiana Crayfish	Orconectes indianensis
Kentucky Crayfish	Orconectes kentuckiensis
Oxbow Crayfish	Orconectes lancifer
Crayfish	Orconectes placidus
Isopod	Caecidotea lesliei
Isopod	Caecidotea spatulata
<u>Scorpions</u>	
<u>Common Striped Scorpion</u>	<u>Centruroides vittatus</u>
Dragonflies	
Hine's Emerald's Dragonfly**	Somatochlora hineana
<u>Springtails</u>	
<u>Madonna Cave Springtail</u>	<u>Arrhopalites madonnensis</u>
<u>Stoneflies</u>	
<u>Robust Springfly</u>	<u>Diplopera robusta</u>
<u>Central Forestfly</u>	<u>Prostoia completa</u>
Leafhoppers	
<u>Leafhopper</u>	<u>Anthysanella incongrua</u>
Leafhopper	Paraphlepsius lupalus
Butterflies and Moths	
Eryngium Stem Borer	Papaipema eryngii

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Arogos Skipper	Atrytone arogos
<u>Ottoe Skipper</u>	<u>Hesperia ottoe</u>
Hoary Elfin	Incisalia polios
Karner Blue Butterfly**	Lycaeides melissa samuelis
Swamp Metalmark	Calephelis muticum

j) THREATENED INVERTEBRATE ANIMALS OF ILLINOIS

Mussels

Ebonysell	Fusconaia ebena
Purple Wartyback	Cyclonaias tuberculata
Elephant-ear	Elliptio crassidens
Spike	Elliptio dilatata
Slippershell	Alasmidonta viridis
Butterfly	Ellipsaria lineolata
Black Sandshell	Ligumia recta
Little Spectaclecase	Villosa lienosa

Dragonflies

Elfin Skimmer	Nannothemis bella
---------------	-------------------

Leafhoppers

Redveined Prairie Leafhopper	Aflexia rubranura
------------------------------	-------------------

Butterflies

Cobweb Skipper	Hesperia metea
<u>Ottoe Skipper</u>	<u>Hesperia ottoe</u>
Regal Fritillary	Speyeria idalia

(Source: Amended at 33 Ill. Reg. 14739, effective October 30, 2009)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois List of Endangered and Threatened Flora
- 2) Code Citation: 17 Ill. Adm. Code 1050
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1050.30	Amendment
1050.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7]
- 5) Effective Date of Amendments: October 30, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any 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 Illinois Register: June 12, 2009; 33 Ill. Reg. 7516
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The changes to this list were approved by the Illinois Endangered Species Protection Board, are supported by sufficient scientific evidence, and are compliant with criteria established in 520 ILCS 10/7 and in Section 5.1.1 of the Illinois Endangered Species Protection Board Policy and Operation Manual. Pursuant to 520 ILCS 10/6, the Board is required to review and revise the Illinois List of

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Endangered and Threatened Fauna at a minimum of every 5 years.

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

Stanley Yonkauski, 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 c: ENDANGERED SPECIES

PART 1050

ILLINOIS LIST OF ENDANGERED AND THREATENED FLORA

Section

1050.10	Official List
1050.20	Definitions
1050.25	Criteria Used For Listing
1050.30	Endangered Flora of Illinois
1050.40	Threatened Flora of Illinois

AUTHORITY: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7].

SOURCE: Adopted at 4 Ill. Reg. 22, p. 209, effective May 20, 1980 unless otherwise noted; amended at 5 Ill. Reg. 10293, effective September 30, 1981; codified at 6 Ill. Reg. 2593; amended at 8 Ill. Reg. 13713, effective July 25, 1984; amended at 13 Ill. Reg. 3755, effective March 13, 1989; amended at 14 Ill. Reg. 6123, effective April 17, 1990; amended at 17 Ill. Reg. 10781, effective July 1, 1993; amended at 18 Ill. Reg. 1142, effective January 18, 1994; 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. 21902, effective December 3, 1998; amended at 28 Ill. Reg. 12904, effective September 1, 2004; amended at 33 Ill. Reg. 14748, effective October 30, 2009.

Section 1050.30 Endangered Flora of Illinois

SCIENTIFIC NAME	COMMON NAME
EQUISETACEAE	
Equisetum scirpoides	Dwarf Scouring Rush
Equisetum sylvaticum	Woodland Horsetail
HYMENOPHYLLACEAE	
Trichomanes boschianum	Filmy fern
ISOETACEAE	
Isoetes butleri	Butler's Qwillwort
LYCOPODIACEAE	
Lycopodium clavatum	Running Pine

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Lycopodium dendroideum	Ground Pine
Lycopodiella inundata	Bog Clubmoss
OPHIOGLOSSACEAE	
Botrychium campestre	Prairie Moonwort
Botrychium matricariifolium	Daisyleaf Grape Fern
Botrychium multifidum	Northern Grape Fern
Botrychium simplex	Dwarf Grape Fern
POLYPODIACEAE	
Asplenium bradleyi	Bradley's Spleenwort
Asplenium resiliens	Black Spleenwort
Cystopteris laurentiana	Laurentian Fragile Fern
Dennstaedtia punctilobula	Hay-scented Fern
Dryopteris celsa	Log Fern
Gymnocarpium dryopteris	Oak Fern
Gymnocarpium robertianum	Scented Oak Fern
Phegopteris connectilis	Long Beech Fern
Thelypteris noveboracensis	New York Fern
Woodsia ilvensis	Rusty Woodsia
CUPRESSACEAE	
Juniperus horizontalis	Trailing Juniper
PINACEAE	
Pinus banksiana	Jack Pine
Pinus echinata	Shortleaf Pine
Pinus resinosa	Red Pine
ALISMATACEAE	
Echinodorus tenellus	Small Burhead
Sagittaria australis	Arrowhead
ARACEAE	
Calla palustris	Water Arum
CYPERACEAE	
Bolboschoenus maritimus	Alkali Bulrush
Carex alata	Winged Sedge
Carex arkansana	Arkansas Sedge
Carex brunnescens	Brownish Sedge
Carex canescens var. disjuncta	Silvery Sedge
Carex chordorrhiza	Cordroot Sedge
Carex crawfordii	Crawford's Sedge
Carex cryptolepis	Yellow Sedge
Carex cumulata	Sedge

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Carex decomposita	Cypress-knee Sedge
Carex diandra	Sedge
Carex disperma	Shortleaf Sedge
Carex echinata	Sedge
Carex formosa	Sedge
Carex garberi	Elk Sedge
Carex gigantea	Large Sedge
Carex inops subsp. heliophila	Plains Sedge
Carex lucorum	Sedge
Carex nigromarginata	Black-edged Sedge
Carex oligosperma	Few-seeded Sedge
Carex physorhyncha	Bellow's Beak Sedge
<u>Carex plantaginea</u>	<u>Plantain-leaved Sedge</u>
Carex reniformis	Reniform Sedge
Carex striatula	Lined Sedge
Carex trisperma	Three-seeded Sedge
Carex tuckermanii	Tuckerman's Sedge
Cyperus lancastris	Galingale
Eleocharis olivacea (Eleocharis flavescens var. olivacea)	Capitate Spikerush
Eleocharis pauciflora (Eleocharis quinqueflora)	Few-flowered Spikerush
Eriophorum virginicum	Rusty Cotton Grass
Fimbristylis vahlii	Vahl's Fimbristylis
Rhynchospora glomerata	Clustered Beak Rush
Schoenoplectus purshianus	Weak Bulrush
Schoenoplectus smithii	Smith's Bulrush
Scirpus hattorianus	Bulrush
Scirpus microcarpus	Bulrush
Scleria muhlenbergii	Muhlenberg's Nut Rush
Scleria pauciflora	Carolina Whipgrass
Trichophorum cespitosum	Tufted Bulrush
IRIDACEAE	
Sisyrinchium montanum	Mountain Blue-eyed Grass
JUNCACEAE	
Juncus alpinoarticulatus	Richardson's Rush
Juncus vaseyi	Vasey's Rush
Luzula acuminata	Hairy Woodrush
LILIACEAE	

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Camassia angusta	Wild Hyacinth
Chamaelirium luteum	Fairy Wand
Medeola virginiana	Indian Cucumber Root
Polygonatum pubescens	Downy Solomon's Seal
Stenanthium gramineum	Grass-leaved Lily
Trillium cernuum	Nodding Trillium
Trillium erectum	Ill-scented Trillium
Trillium viride	Green Trillium
Zigadenus elegans (Zigadenus venenosus var. gramineus)	White Camass
ORCHIDACEAE	
Calopogon oklahomensis	Oklahoma Grass Pink Orchid
Calopogon tuberosus	Grass Pink Orchid
Cypripedium acaule	Moccasin Flower
Cypripedium parviflorum var. makasin	Small Yellow Lady's Slipper
Cypripedium reginae	Showy Lady's Slipper
Hexalectris spicata	Crested Coralroot Orchid
Isotria medeoloides*	Small Whorled Pogonia
Isotria verticillata	Whorled Pogonia
Platanthera ciliaris	Orange Fringed Orchid
Platanthera clavellata	Wood Orchid
Platanthera flava var. flava	Tubercled Orchid
Platanthera leucophaea*	Eastern Prairie Fringed Orchid
Platanthera psycodes	Purple Fringed Orchid
Pogonia ophioglossoides	Snake-mouth
Spiranthes lucida	Yellow-lipped Ladies' Tresses
Spiranthes vernalis	Spring Ladies' Tresses
POACEAE	
Ammophila breviligulata	Marram Grass
Bechmannia syzigachne	American Slough Grass
Bouteloua gracilis	Blue Grama
Calamagrostis insperata	Bluejoint Grass
Deschampsia flexuosa	Hairgrass
Dichanthelium boreale	Northern Panic Grass
Dichanthelium portoricense	Hemlock Panic Grass
Dichanthelium jorii	Panic Grass
Dichanthelium ravenelii	Ravenel's Panic Grass
Dichanthelium yadkinense	Panic Grass
Glyceria arkansana	Arkansas Manna Grass

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Melica mutica	Two-Flowered Melic Grass
Milium effusum	Millet Grass
Paspalum dissectum	Bead Grass
Poa alsodes	Grove Bluegrass
Poa languida	Weak Bluegrass
Poa wolfii	Wolf's Bluegrass
Torreyochloa pallida	Pole Manna-Grass
Schizachne purpurascens	False Melic Grass
PONTERRIACEAE	
Heteranthera reniformis	Mud Plantain
POTAMOGETONACEAE	
Potamogeton praelongus	White-stemmed Pondweed
Potamogeton pulcher	Spotted Pondweed
Potamogeton robbinsii	Fern Pondweed
Potamogeton strictifolius	Stiff Pondweed
SPARGANIACEAE	
Sparganium americanum	American Burreed
Sparganium emersum	Green-fruited Burreed
ACANTHACEAE	
Justicia ovata	Water Willow
ADOXACEAE	
Adoxa moschatellina	Moschatel
AMARANTHACEAE	
Iresine rhizomatosa	Bloodleaf
APIACEAE	
Conioselinum chinense	Hemlock Parsley
Cynosciadium digitatum	Cynosciadium
Eryngium prostratum	Eryngo
Hydrocotyle ranunculoides	Water pennywort
Ptilimnium nuttallii	Mock Bishop's Weed
Sanicula smallii	Southern Sanicula
ASCLEPIADACEAE	
Asclepias lanuginosa	Wooly Milkweed
Asclepias meadii*	Mead's Milkweed
Asclepias ovalifolia	Oval Milkweed
Asclepias stenophylla	Narrow-leaved Green Milkweed
Matelea decipiens	Climbing Milkweed
ASTERACEAE	
Artemisia dracunculus	Dragon Wormwood

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

<i>Eupatorium hyssopifolium</i>	Hyssop-leaved Thoroughwort
<i>Helianthus giganteus</i>	Tall Sunflower
<i>Megalodonta beckii</i>	Water Marigold
<i>Melanthera nivea</i>	White Melanthera
<i>Nothocalais cuspidata</i>	Prairie Dandelion
<i>Tetranuris herbacea</i>	Lakeside Daisy
BERBERIDACEAE	
<i>Berberis canadensis</i>	Allegheny Barberry
BETULACEAE	
<i>Alnus incana</i> subsp. <i>rugosa</i>	Speckled Alder
<i>Betula alleghaniensis</i>	Yellow Birch
BORAGINACEAE	
<i>Hackelia deflexa</i> var. <i>americana</i>	Stickseed
<i>Heliotropium tenellum</i>	Slender Heliotrope
BRASSICACEAE	
<i>Cardamine pratensis</i> var. <i>palustris</i>	Cuckoo Flower
<i>Draba cuneifolia</i>	Whitlow Grass
<i>Lesquerella ludoviciana</i>	Silvery Bladderpod
CACTACEAE	
<i>Opuntia fragilis</i>	Fragile Prickly Pear
CAPPARIDACEAE	
<i>Polanisia jamesii</i>	James' Clammyweed
CAPRIFOLIACEAE	
<i>Lonicera dioica</i> var. <i>glaucescens</i>	Red Honeysuckle
<i>Lonicera flava</i>	Yellow Honeysuckle
<i>Sambucus racemosa</i> subsp. <i>pubens</i>	Red-berried Elder
<i>Symphoricarpos albus</i> var. <i>albus</i>	Snowberry
CARYOPHYLLACEAE	
<i>Silene ovata</i>	Ovate Catchfly
<i>Silene regia</i>	Royal Catchfly
<i>Stellaria pubera</i>	Great Chickweed
CELASTRACEAE	
<i>Euonymus americanus</i>	American Strawberry Bush
CISTACEAE	
<i>Hudsonia tomentosa</i>	False Heather
CLUSIACEAE	
<i>Hypericum adpressum</i>	Shore St. John's Wort
<i>Hypericum kalmianum</i>	Kalm's St. John's Wort
<i>Triadenum virginicum</i>	Marsh St. John's Wort

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

CONVOLVUACEAE

Stylisama pickeringii	Patterson's Bindweed
-----------------------	----------------------

CORNACEAE

Cornus canadensis	Bunchberry
-------------------	------------

CORYLACEAE

Corylus cornuta	Beaked Hazelnut
-----------------	-----------------

DROSERACEAE

Drosera rotundifolia	Round-leaved Sundew
----------------------	---------------------

ELAEAGNACEAE

Shepherdia canadensis	Buffaloberry
-----------------------	--------------

ERICACEAE

Arctostaphylos uva-ursi	Bearberry
Vaccinium corymbosum	Highbush Blueberry
Vaccinium macrocarpon	Large Cranberry
Vaccinium oxycoccos	Small Cranberry
Vaccinium stamineum	Deerberry

EUPHORBIACEAE

Chamaesyce polygonifolia	Seaside Spurge
Euphorbia spathulata	Spurge

FABACEAE

Amorpha nitens	Smooth False Indigo
Astragalus crassicaulus var. trichocalyx	Large Ground Plum
Astragalus distortus	Bent Milk Vetch
Astragalus tennesseensis	Tennessee Milk Vetch
Baptisia tinctoria	Yellow Wild Indigo
Cladrastis lutea (Cladrastis kentuckea)	Yellowwood
Dalea foliosa **	Leafy Prairie Clover
Galactia mohlenbrockii	Boykin's Dioclea
Lathyrus maritimus	Beach Pea
Lespedeza leptostachya*	Prairie Bush Clover

FAGACEAE

Quercus texana	Nuttall's Oak
----------------	---------------

GENTIANACEAE

Bartonia paniculata	Screwstem
Sabatia campestris	Prairie Rose Gentian

GERANIACEAE

Geranium bicknellii	Northern Cranesbill
---------------------	---------------------

HYDROPHYLLACEAE

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Hydrolea uniflora	One-flowered Hydrolea
Nemophila triloba	Baby Blue-Eyes
Phacelia gilioides	Ozark Phacelia
JUGLANDACEAE	
Carya pallida	Pale Hickory
LAMIACEAE	
Pycnanthemum albescens	White Mountain Mint
Synandra hispidula	Hairy Synandra
LENTIBULARIACEAE	
Utricularia cornuta	Horned Bladderwort
Utricularia minor	Small Bladderwort
MALVACEAE	
Iliamna remota	Kankakee Mallow
Malvastrum hispidum	False Mallow
MELASTOMACEAE	
Rhexia mariana	Dull Meadow Beauty
MYRICACEAE	
Comptonia peregrina	Sweetfern
NYCTAGINACEAE	
Mirabilis hirsuta	Hairy Umbrella-wort
ONAGRACEAE	
Circaea alpina	Small Enchanter's Nightshade
OROBANCHACEAE	
Orobanche fasciculata	Clustered Broomrape
OXALIDACEAE	
Oxalis illinoensis	Illinois Wood Sorrel
PAPAVERACEAE	
Corydalis aurea	Golden Corydalis
Corydalis halei	Hale's Corydalis
Corydalis sempervirens	Pink Corydalis
PLANTAGINACEAE	
Plantago cordata	Heart-leaved Plantain
POLEMONIACEAE	
Phlox pilosa subsp. sangamonensis	Sangamon Phlox
POLYGALACEAE	
Polygala incarnata	Pink Milkwort
POLYGONACEAE	
Polygonum arifolium	Halberd Halbred -leaved Tearthumb
Polygonum careyi	Carey's Heartsease

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

PORTULACACEAE

Talinum calycinum

Fameflower

PRIMULACEAE

Lysimachia radicans

Creeping Loosestrife

Primula mistassinica

Bird's-eye Primrose

Trientalis borealis

Star-flower

PYROLACEAE

Chimaphila maculata

Spotted Wintergreen

Chimaphila umbellata

Pipsissewa

RANUNCULACEAE

Cimicifuga americana

American Bugbane

Cimicifuga racemosa

False Bugbane

Clematis crispa

Blue Jasmine

Clematis occidentalis

Mountain Clematis

Clematis viorna

Leatherflower

~~Ranunculus cymbalaria~~~~Seaside Crowfoot~~

RHAMNACEAE

~~Berchemia scandens~~~~Supple-jack~~

Ceanothus herbaceus

Redroot

Rhamnus alnifolia

Alder Buckthorn

ROSACEAE

Amelachier sanguinea

Shadbush

Filipendula rubra

Queen-of-the-Prairie

Malus angustifolia

Narrow-leaved Crabapple

~~Potentilla millegrana~~~~Cinquefoil~~

Rosa acicularis

Bristly Rose

Rubus odoratus

Purple-flowering Raspberry

Sanguisorba canadensis

American Burnet

Sorbus americana

American Mountain Ash

RUBIACEAE

Galium lanceolatum

Wild Licorice

Galium virgatum

Dwarf Bedstraw

SALICACEAE

Populus balsamifera

Balsam Poplar

Salix serissima

Autumn Willow

Salix syrticola

Dune Willow

SAPOTACEAE

Bumelia lanuginosa

Wooly Buckthorn

SARRACENIACEAE

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Sarracenia purpurea	Pitcher Plant
SAXIFRAGACEAE	
Ribes hirtellum	Northern Gooseberry
Saxifraga virginiana	Early Saxifrage
SCROPHULARIACEAE	
Castilleja sessiliflora	Downy Yellow Painted Cup
Collinsia violacea	Violet Collinsia
<u>Gratiola quartermaniae</u>	<u>Hedge Hyssop</u>
Mimulus glabratus	Yellow Monkey Flower
Penstemon brevisepalus	Short-sepaled Beard Tongue
Penstemon tubaeflorus	Tube Beards Tongue
Penstemon grandiflorus	Large-flowered Beard Tongue
Veronica americana	American Brooklime
STYRACACEAE	
Halesia carolina	Silverbell Tree
Styrax grandifolius	Bigleaf Snowbell Bush
TILLIACEAE	
Tilia heterophylla	White Basswood
ULMACEAE	
Ulmus thomasii	Rock Elm
VALERIANACEAE	
Valeriana uliginosa	Marsh Valerian
Valerianella chenopodifolia	Corn Salad
Valerianella umbilicata	Corn Salad
VIOLACEAE	
Viola blanda	Hairy White Violet
Viola canadensis	Canada Violet
Viola primulifolia	Primrose Violet

(Source: Amended at 33 Ill. Reg. 14748, effective October 30, 2009)

Section 1050.40 Threatened Flora of Illinois

SCIENTIFIC NAME	COMMON NAME
PHYSICIACEAE	
Phaeophyscia leana	Lea's Bog Lichen
EQUISETACEAE	
Equisetum pratense	Meadow Horsetail
LYCOPODIACEAE	

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Huperzia porophila	Cliff Clubmoss
OPHIOGLOSSACEAE	
Botrychium biternatum	Southern Grape Fern
CUPRESSACEAE	
Juniperus communis	Ground Juniper
PINACEAE	
Larix laricina	Tamarack
COMMELINACEAE	
Tradescantia bracteata	Prairie Spiderwort
CYPERACEAE	
Carex atlantica	Sedge
Carex aurea	Golden Sedge
Carex bromoides	Sedge
Carex communis	Fibrous-rooted Sedge
Carex intumescens	Swollen Sedge
Carex oxylepis	Sharp-scaled Sedge
Carex prasina	Drooping Sedge
Carex viridula	Little Green Sedge
Carex willdenowii	Willdenow's Sedge
Carex woodii	Pretty Sedii
Cyperus grayioides	Umbrella Sedge
<u>Cyperus lancastriensis</u>	<u>Galingale</u>
Eleocharis rostellata	Beaked Spike Rush
Rhynchospora alba	Beaked Rush
Schoenoplectus hallii	Hall's Bulrush
Scirpus polyphyllus	Bulrush
IRIDACEAE	
Sisyrinchium atlanticum	Eastern Blue-Eyed Grass
JUNCAGINACEAE	
Triglochin maritima	Common Bog Arrowgrass
Triglochin palustris	Slender Bog Arrowgrass
LILIACEAE	
Melanthium virginicum	Bunchflower
Tofieldia glutinosa	False Asphodel
ORCHIDACEAE	
Corallorhiza maculata	Spotted Coral-root Orchid
Cypripedium candidum	White Lady's Slipper
Platanthera flava var. herbiola	Tuberclad Orchid
POACEAE	

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

<i>Elymus trachycaulis</i>	Bearded Wheat Grass
POTAMOGETONACEAE	
<i>Potamogeton gramineus</i>	Grass-leaved Pondweed
ASCLEPIADACEAE	
<i>Matelea obliqua</i>	Climbing Milkweed
ASTERACEAE	
<i>Aster furcatus</i>	Forked Aster
<i>Boltonia decurrens</i> *	Decurrent False Aster
<i>Cirsium pitcheri</i> *	Pitcher's (Dune) Thistle
<i>Helianthus angustifolius</i>	Narrow-leaved Sunflower
<i>Hymenopappus scabiosaeus</i>	Old Plainsman
<i>Liatris scariosa</i> var. <i>nieuwlandii</i>	Blazing Star
<i>Rudbeckia missouriensis</i>	Missouri Orange Coneflower
<i>Solidago sciaphila</i>	Cliff Goldenrod
BRASSICAEAE	
<i>Cakile edentula</i>	Sea Rocket
CAPRIFOLIACEAE	
<i>Virburnum molle</i>	Arrowwood
CARYOPHYLLACEAE	
<i>Minuartia patula</i>	Slender Sandwort
CISTACEAE	
<i>Lechea intermedia</i>	Pinweed
CRASSULACEAE	
<i>Sedum telephioides</i>	American Orpine
CUCURBITACEAE	
<i>Melothria pendula</i>	Squirting Cucumber
DROSERACEAE	
<i>Drosera intermedia</i>	Narrow-leaved Sundew
ERICACEAE	
<i>Chamaedaphne calyculata</i>	Leatherleaf
FABACEAE	
<i>Lathyrus ochroleucus</i>	Pale Vetchling
<i>Tribolium reflexum</i>	Buffalo Clover
FAGACEAE	
<i>Quercus phellos</i>	Willow Oak
<i>Quercus montana</i>	Rock Chestnut Oak
JUGLANDACEAE	
<i>Carya aquatica</i>	Water Hickory

| JUNACEAE

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

<u>Juncus alpinus</u>	<u>Richardson's Rush</u>
LAMIACEAE	
Salvia azurea subsp. pitcheri	Blue Sage
LENTIBULARIACEAE	
Utricularia intermedia	Flat- leaved <u>Leaved</u> Bladderwort
MENYANTHACEAE	
Menyanthes trifoliata	Buckbean
ONAGRACEAE	
Epilobium strictum	Downy Willow Herb
Oenothera perennis	Small Sundrops
OROBANCHACEAE	
Orobanche ludoviciana	Broomrape
PORTULACACEAE	
Talinum parviflorum	Small Flower-Of-An-Hour
PRIMULACEAE	
Dodecatheon frenchii	French's Shooting Star
RANUNCULACEAE	
Cimicifuga rubifolia	Black Cohosh
<u>Delphinium carolinianum</u>	<u>Wild Blue Larkspur</u>
Ranunculus rhomboideus	Prairie Buttercup
<u>RHAMNACEAE</u>	
<u>Berchemia scandens</u>	<u>Supple-Jack</u>
ROSACEAE	
Amelanchier interior	Shadbush
Rubus pubescens	Dwarf Raspberry
Rubus schneideri	Bristly Blackberry
SAXIFRAGACEAE	
Sullivantia sullivantii	Sullivantia
SCROPHULARIACEAE	
Agalinus skinneriana	Pale False Foxglove
Besseya bullii	Kitten Tails
<u>Buchnera americana</u>	<u>Blue Hearts</u>
Tomanthera auriculata	Ear-leafed Foxglove
Veronica scutellata	Marsh Speedwell
STYRACACEAE	
Styrax americana	Storax
ULMACEAE	
Planera aquatica	Water Elm
URTICACEAE	

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Urtica chamaedryoides

Nettle

VIOLACEAE

Viola conspersa

Dog Violet

(Source: Amended at 33 Ill. Reg. 14748, effective October 30, 2009)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Procedures For Providing Grants From the Illinois Clean Diesel Grant Program
- 2) Code Citation: 35 Ill. Adm. Code 261
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
261.110	New Section
261.120	New Section
261.130	New Section
261.140	New Section
261.210	New Section
261.220	New Section
261.230	New Section
261.310	New Section
261.320	New Section
261.330	New Section
261.340	New Section
261.350	New Section
261.360	New Section
261.370	New Section
261.380	New Section
261.390	New Section
261.410	New Section
261.420	New Section
261.430	New Section
261.440	New Section
261.450	New Section
261.460	New Section
261.470	New Section
261.510	New Section
261.520	New Section
261.530	New Section
261.540	New Section
261.610	New Section
261.620	New Section
261.630	New Section
261.640	New Section
261.650	New Section
261.660	New Section

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

261.710	New Section
261.720	New Section
261.730	New Section
261.740	New Section

- 4) Statutory Authority: Implementing and authorized by Section 4(k) of the Environmental Protection Act [415 ILCS 5/4(k)]
- 5) Effective Date of Rules: October 14, 2009
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule is not set to expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: October 14, 2009
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Emergency rules are necessary so that the Agency can quickly meet its obligations under the Illinois Administrative Procedure Act to enact rules regarding its grant programs and to establish standards by which the Agency will administer its grant programs, including additional funding under the American Recovery and Reinvestment Act of 2009 (ARRA).
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking will address how the Agency will disburse funding it receives from a variety of sources, including ARRA, in the form of grants. This rulemaking will establish a streamlined approach to procedures for issuance of grants, determining eligibility, and performing grant projects.
- 11) Are there any proposed rulemakings to this Part pending? Yes
- 12) Statement of Statewide Policy Objectives: This rulemaking will not create a State mandate for units of local government.
- 13) Information and questions regarding this emergency rulemaking shall be directed to:

Kent E. Mohr Jr.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

Assistant Counsel
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19726
Springfield, Illinois 62794-9276

217/782-5544
kent.mohr@illinois.gov

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 261
PROCEDURES FOR PROVIDING GRANTS FROM THE ILLINOIS
CLEAN DIESEL GRANT PROGRAM

SUBPART A: INTRODUCTION

Section

261.110 Purpose

EMERGENCY

261.120 Definitions

EMERGENCY

261.130 Abbreviations

EMERGENCY

261.140 Severability

EMERGENCY

SUBPART B: REQUIREMENTS FOR THE
ILLINOIS CLEAN DIESEL GRANT PROGRAM

Section

261.210 Uses of the Illinois Clean Diesel Grant Program

EMERGENCY

261.220 Agency Responsibilities under the Illinois Clean Diesel Grant Program

EMERGENCY

261.230 Requirements for Grant Recipients under the Illinois Clean Diesel Grant Program

EMERGENCY

SUBPART C: PROCEDURES FOR ISSUANCE OF GRANTS

Section

261.310 Scope and Availability of Grants

EMERGENCY

261.320 Limitations on Grant Amounts

EMERGENCY

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

- 261.330 Grant Applicant Eligibility Criteria
EMERGENCY
- 261.340 Vehicle and Equipment Eligibility Criteria
EMERGENCY
- 261.350 Technology Eligibility Criteria
EMERGENCY
- 261.360 Grant Applications
EMERGENCY
- 261.370 Agency Action on Grant Applications
EMERGENCY
- 261.380 Grant Agreement
EMERGENCY
- 261.390 Amendments to Grant Agreement and Minor Project Scope of Work Changes
EMERGENCY

SUBPART D: REQUIREMENTS APPLICABLE TO PROJECT INITIATION,
CHANGES, COMPLETION AND OPERATION OF PROJECT

- Section
- 261.410 Project Initiation
EMERGENCY
- 261.420 Operation and Maintenance of the Project
EMERGENCY
- 261.430 Delays and Developments
EMERGENCY
- 261.440 State and Federal Oversight
EMERGENCY
- 261.450 Evaluation of Performance
EMERGENCY
- 261.460 Final Inspection
EMERGENCY
- 261.470 Equipment Disposition and Recoupment
EMERGENCY

SUBPART E: REQUIREMENTS APPLICABLE TO GRANT DISBURSEMENTS

- Section
- 261.510 Determination of Allowable Costs
EMERGENCY

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

261.520 Use of Grant Funds and Unallowable Costs

EMERGENCY

261.530 Disbursement of Grant Funds

EMERGENCY

261.540 Agency Reimbursement

EMERGENCY

SUBPART F: LIABILITIES AND REMEDIES FOR FAILURE
TO COMPLY WITH GRANT PROCEDURES

Section

261.610 Noncompliance with Grant Requirements and Procedures

EMERGENCY

261.620 Project Suspension

EMERGENCY

261.630 Grant Termination by the Agency

EMERGENCY

261.640 Recovery of Grant Funds

EMERGENCY

261.650 Indemnification

EMERGENCY

261.660 Disputes Relating to Performance

EMERGENCY

SUBPART G: REQUIREMENTS APPLICABLE TO ACCESS, AUDITING, AND RECORDS

Section

261.710 Access

EMERGENCY

261.720 Audit and Records

EMERGENCY

261.730 Single Audit Act

EMERGENCY

261.740 Reporting

EMERGENCY

AUTHORITY: Implementing and authorized by Section 4(k) of the Environmental Protection Act [415 ILCS 5/4(k)].

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

SOURCE: Emergency Rule adopted at 33 Ill. Reg. 14764, effective October 14, 2009, for a maximum of 150 days.

SUBPART A: INTRODUCTION

**Section 261.110 Purpose
EMERGENCY**

- a) The Illinois Environmental Protection Agency (Agency) is implementing the Illinois Clean Diesel Grant Program (ICDGP). The primary goal of this program is to reduce particulate matter emissions and other pollutants from diesel-powered vehicles and to improve public health. This program receives funding from a variety of sources and utilizes such funding to provide grant financial assistance to further the goals of the program and these specific sources of funding. The funding sources include, but are not limited to, the Diesel Emissions Reduction Act (DERA), Congestion Mitigation and Air Quality Improvement Program (CMAQ), American Recovery and Reinvestment Act of 2009 (ARRA), and supplemental environmental projects (SEP). Grant financial assistance from the ICDGP is subject to the requirements of the applicable funding source and the requirements of this Part.
- b) This Part sets forth the procedures to be used by the Agency to operate the ICDGP.

**Section 261.120 Definitions
EMERGENCY**

For the purposes of this Part, the following definitions apply:

Agency – Illinois Environmental Protection Agency.

ARRA – American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

CMAQ - Congestion Mitigation and Air Quality Improvement Program (23 USC 149).

DERA – Diesel Emissions Reduction Act (42 USC 16131 et seq.).

Director – Director of the Agency.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

Engine repower – a new, rebuilt, or remanufactured engine configuration that has been certified or otherwise allowed by the United States Environmental Protection Agency (USEPA) and that meets or is rebuilt or remanufactured to a more stringent set of engine emission standards, as determined by USEPA.

Grant agreement – the contractual agreement between the Agency and grant recipient governing the grant, which includes at a minimum a project scope of work and grant terms and conditions.

Grant applicant – a person or entity that has applied for a grant from the Agency under this Part.

Grant period – the period of time specified in the grant agreement for performance of the project scope of work.

Grant recipient – a grant applicant that has been provided a project confirmation letter from the Agency for a grant.

Gross vehicle weight rating (GVWR) – the total vehicle weight, including the maximum load, as designated by the original equipment manufacturer.

Off-road diesel-powered vehicle or equipment – a self-propelled diesel-powered vehicle, or diesel-powered equipment, that is not an on-road diesel-powered vehicle or on-road diesel-powered equipment. This includes, but is not limited to, locomotives, marine vessels, and vehicles or equipment used in agriculture, construction, or mining.

On-road diesel-powered vehicle or equipment – a self-propelled diesel-powered vehicle, or diesel-powered equipment, designed for operation on a street or highway. This includes, but is not limited to, buses and trucks.

Project amendment confirmation letter – a written letter from the Agency to the grant recipient, including the signed grant amendment, approving revisions to a grant agreement.

Project confirmation letter – a written letter from the Agency to the grant recipient, including the signed grant agreement, authorizing the grant recipient to commence the project scope of work.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

Project scope of work – the grant project activities or tasks identified by the Agency in the grant agreement for which the grant recipient may expend grant funds.

SEP – a supplemental environmental project contained in an enforceable consent decree.

Sub-agreement – a written agreement between the grant recipient and another party to perform all or part of the project scope of work for which a grant is provided, including, but not limited to, contracts and subcontracts.

Verified idle reduction technology – a technology or device that is installed on a vehicle or at a location, is designed to provide services to the vehicle or equipment that would otherwise require the operation of the main drive engine while the vehicle or equipment is parked or remains stationary, reduces unnecessary idling of such vehicle or equipment, allows for the reduction in emissions, and is verified or otherwise approved by USEPA.

Verified retrofit technology – a pollution control device verified or otherwise approved by USEPA.

Section 216.130 Abbreviations**EMERGENCY**

Agency	Illinois Environmental Protection Agency
ARRA	American Recovery and Reinvestment Act
CMAQ	Congestion Mitigation and Air Quality Improvement Program
DERA	Diesel Emissions Reduction Act
GVWR	gross vehicle weight rating
ICDGP	Illinois Clean Diesel Grant Program
SEP	supplemental environmental project
State	State of Illinois
USEPA	United States Environmental Protection Agency

Section 261.140 Severability**EMERGENCY**

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

If any Section, subsection, sentence or clause of this Part shall be adjudged unconstitutional, void, invalid, or otherwise unlawful, such adjudication shall not affect the validity of this Part as a whole, or any Section, subsection, sentence, or clause thereof not adjudged unconstitutional, void, invalid, or otherwise unlawful.

SUBPART B: REQUIREMENTS FOR THE
ILLINOIS CLEAN DIESEL GRANT PROGRAM

**Section 261.210 Uses of the Illinois Clean Diesel Grant Program
EMERGENCY**

The ICDGP shall be used and administered by the Agency for the following purposes:

- a) To accept and retain funds from awards, appropriations, SEPs, and other funding sources; and
- b) To make grants to eligible grant applicants to finance projects that meet the purposes, goals, and requirements of the ICDGP and the applicable funding source, if any.

**Section 261.220 Agency Responsibilities under the Illinois Clean Diesel Grant Program
EMERGENCY**

- a) The Agency shall review and evaluate grant applications on a competitive basis, issue grants in accordance with the requirements of the ICDGP and the applicable funding source, and conduct oversight of grant project work.
- b) Unless otherwise authorized by the Agency, once the grant recipient has performed the project scope of work in accordance with the requirements of this Part and the grant agreement, the Agency, subject to the provisions of this Part and the grant agreement, shall reimburse the grant recipient or contractor for the cost of the grant project work.

**Section 261.230 Requirements for Grant Recipients under the Illinois Clean Diesel Grant Program
EMERGENCY**

- a) Grant recipients shall execute and comply with a grant agreement issued by the Agency. To the extent that grant recipients engage a contractor or subcontractor

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

to perform all or a portion of the project scope of work, grant recipients shall enter into a sub-agreement covering those activities. The grant recipient shall provide a copy of the sub-agreement to the Agency and ensure that the contractor and any subcontractor are aware of and comply with applicable provisions of the grant agreement and the requirements of this Part.

- b) Grant recipients shall provide for open and free competition, and shall use procurement procedures which reflect applicable local and State of Illinois (State) laws and regulations, provided the procurements conform to applicable federal law, relating to any sub-agreements for the performance of grant projects funded from the ICDGP.
- c) Grant recipients shall comply with all applicable local, State, and federal laws, regulations, policies, guidance, federal award conditions, federal circulars, and executive orders in the performance of grant projects funded from the ICDGP.

SUBPART C: PROCEDURES FOR ISSUANCE OF GRANTS

**Section 261.310 Scope and Availability of Grants
EMERGENCY**

- a) Subject to the availability of funding and the limitations, criteria, procedures, and requirements set forth in this Part, grant financial assistance from the ICDGP is available to grant applicants for projects which meet the goals and requirements of the ICDGP and the applicable funding source.
- b) Grant financial assistance shall be awarded on a competitive basis.
- c) A grant recipient, if determined to be in noncompliance with this Part or the grant agreement, may not be eligible to receive an additional grant until compliance with any existing grant agreement is achieved and the grant recipient provides sufficient assurances to the Agency that it has addressed or will timely address the previous noncompliance.

**Section 261.320 Limitations on Grant Amounts
EMERGENCY**

- a) Grant financial assistance is limited to:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

- 1) Sufficient appropriation by the State and the availability of cash deposited into the applicable fund from the applicable funding source; and
 - 2) Approved allowable costs as defined by this Part and identified in the grant agreement.
- b) The Agency may elect to partially fund a grant project by funding discrete portions or phases of the project scope of work.

**Section 261.330 Grant Applicant Eligibility Criteria
EMERGENCY**

- a) Grant applicants must be located in Illinois, unless otherwise agreed to by the Agency;
- b) Grant applicants must own the vehicle(s) or equipment involved in the proposed grant project, unless otherwise agreed to by the Agency;
- c) A unit, department, agency, or instrumentality of the federal government is not an eligible grant applicant under this Part, unless otherwise agreed to by the Agency;
- d) Grant applicants' proposed projects must meet the goals of the ICDGP;
- e) Grant applicants shall follow the procedures and requirements contained in this Part; and
- f) Grant applicants must meet all eligibility criteria and requirements of the applicable funding source.

**Section 261.340 Vehicle and Equipment Eligibility Criteria
EMERGENCY**

- a) As approved by the Agency, eligible vehicles and equipment may include the following:
 - 1) On-road diesel-powered vehicles or equipment; and
 - 2) Off-road diesel-powered vehicles or equipment.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

- b) The vehicle(s) or equipment must be in continuous service and not utilized as a reserve vehicle or equipment in which its primary function is to substitute for another vehicle or equipment on a short-term basis.
- c) The vehicle(s) or equipment must meet all eligibility criteria and requirements relating to the applicable funding source.

**Section 261.350 Technology Eligibility Criteria
EMERGENCY**

- a) The following technologies are eligible for grant financial assistance under this Part:
 - 1) Verified retrofit technology, including, but not limited to, retrofit devices and engine upgrades, that when applied to an existing diesel engine achieves emission reductions beyond what was required or allowed by USEPA at the time of the engine's manufacture and certification;
 - 2) Verified idle reduction technology, including, but not limited to, a technology or device that:
 - A) Is installed on a vehicle or at a location, that reduces idling of such vehicle or equipment, and/or is designed to provide services such as heat, air conditioning, and/or electricity to the vehicle or equipment that would otherwise require the operation of the main drive engine while it is parked;
 - B) Reduces fuel usage and emissions from the vehicle or equipment when compared to idling the main engine; and
 - C) Is approved by USEPA and/or the California Air Resources Board;
 - 3) Engine repower, including, but not limited to, diesel engine replacement with an engine certified for use or the replacement of an off-road engine with an on-road engine, as approved by USEPA. To be eligible, repower projects must meet the following criteria:
 - A) The repowered vehicle or equipment must continue to perform the same function as before the repower;

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

- B) The engine being replaced must be scrapped in accordance with the grant agreement, if specified, or rendered permanently disabled, or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. If scrapped or salvaged engines are to be sold, program income requirements apply as specified by the grant agreement; and
 - C) Evidence of appropriate disposal, including vehicle identification number, engine serial number, or equivalent as determined by the Agency, must be provided;
- 4) Vehicle or equipment replacement. On-road and off-road diesel-powered vehicles and equipment may be replaced with newer, cleaner vehicles and equipment that operate on diesel or alternative fuels and meet a more stringent set of engine emissions standards as specified by USEPA. To be eligible, vehicle and equipment replacement projects must meet the following criteria:
- A) Unless otherwise approved by the Agency, the replacement vehicle or equipment must be of the same type and similar GVWR or horsepower as the vehicle or equipment being replaced;
 - B) The replacement vehicle or equipment must perform the same function as the vehicle or equipment that is being replaced;
 - C) The vehicle or equipment being replaced must be scrapped in accordance with the grant agreement, if specified, or rendered permanently disabled or returned to the original engine manufacturer for remanufacturing to a certified cleaner emission standard. Equipment and vehicle components that are not part of the engine or chassis may be salvaged from the unit being replaced. If scrapped or salvaged vehicles or parts are to be sold, program income requirements apply as specified by the grant agreement; and
 - D) Evidence of appropriate disposal, including vehicle identification number, engine serial number, or equivalent as determined by the Agency, must be provided;

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

- 5) Technologies and equipment may be deemed eligible by the Agency for certain types of grant financial assistance, consistent with USEPA approval, in the event that such technology is not yet certified or verified by USEPA; and
 - 6) Other types of technologies or combinations of technologies which are verified or certified by USEPA, or otherwise allowed by USEPA.
- b) The following are not eligible for repower or replacement projects:
- 1) Engine repower or replacement projects that would have occurred through normal attrition are considered to be the result of normal fleet turnover. Normal attrition generally means a replacement or repower that is scheduled to take place during the grant period. Normal attrition is generally defined by the vehicle or fleet owner's budget plan, operating plan, standard procedures, or retirement schedule; or
 - 2) The purchase of new vehicles or equipment to expand a fleet.
- c) No funds awarded under this Part shall be used to fund the purchase or installation of emission control equipment or technology that is required as a result of noncompliance with a local, State, or federal law.

**Section 261.360 Grant Applications
EMERGENCY**

- a) To be considered for a grant, grant applicants must submit to the Agency a complete application form and other required information. The grant application form must be signed and dated by a representative authorized to sign for the grant applicant that is ultimately responsible for implementation of the project scope of work. The title of the representative must be provided.
- b) Grant applicants must use grant application forms furnished by the Agency. Grant applicants shall obtain grant application forms, including other required information, and instructions from the Agency. Completed applications, including other required information, must be submitted to the Agency.

Section 261.370 Agency Action on Grant Applications

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

EMERGENCY

- a) Issuance of grants under this Part is subject to appropriation by the State and availability of funds from the applicable funding source.
- b) Completed grant applications shall remain active for funding for one year from Agency receipt of the application.
- c) If a grant applicant submits an incomplete application, the Agency shall attempt to so notify the grant applicant in writing, identifying the information that is lacking.
- d) The Agency may request that the grant applicant revise its grant application.
- e) Grant applicants are not eligible to obtain grant financial assistance by default due to failure by the Agency to act upon a grant application.
- f) The Agency shall evaluate grant applications meeting the requirements of the applicable funding sources and this Part based on air quality benefit, geographic distribution, and project type.
- g) The Agency shall select grant applications that best match the purposes of the ICDGP and applicable funding sources.

Section 261.380 Grant Agreement**EMERGENCY**

- a) If selected for a grant project, the Agency shall send the grant applicant a grant agreement. The grant applicant shall sign and return the grant agreement within the time period specified by the Agency. If the grant applicant fails to submit the signed grant agreement to the Agency, the grant award may be considered null and void.
- b) The grant agreement and any grant amendments and approved minor project scope of work changes shall govern the grant.
- c) Following acceptance of the grant agreement by the State, the Agency shall issue a project confirmation letter, including a signed copy of the grant agreement, to

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

the grant recipient, which authorizes the grant recipient to begin the project scope of work.

**Section 261.390 Amendments to Grant Agreement and Minor Project Scope of Work Changes
EMERGENCY**

From time to time, the Agency and grant recipient may propose changes to the grant agreement and mutually agree to changes to the grant agreement.

- a) Amendments to the Grant Agreement. A grant amendment is a significant change to the grant agreement that generally may include, but may not be limited to, changes to the total project cost, number of vehicles affected, grant period, or project air quality benefit. The grant agreement may be amended only by the mutual consent of the parties set forth in writing as a grant amendment, signed and dated by the Agency and the grant recipient. The following requirements and procedures apply to grant amendments:
 - 1) The grant recipient may request a grant amendment at any point during the grant period. Requests for grant amendments must be submitted in writing to the Agency by the grant recipient's representative as defined in Section 261.360(a) (Grant Applications) of this Subpart.
 - 2) The Agency shall notify the grant recipient in writing of its approval or rejection of the requested grant amendment no more than 90 calendar days after receipt of a request for a grant amendment.
 - 3) Permissible grant amendments may include, but are not limited to, the following:
 - A) The original project cost approval was based on estimated costs or contractor bids and the actual costs or contractor bids are greater or less than the estimated costs;
 - B) Amendments to State or federal statutes or regulations have affected or will affect the project costs;
 - C) A project scope of work element was inadvertently omitted; or

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

- D) A project scope of work element was added pursuant to applicable local, State, or federal law.
- 4) A grant amendment becomes effective when signed by both the Agency and the grant recipient, and approved by the State. Following acceptance, the Agency shall issue a project amendment confirmation letter, including a signed copy of the grant amendment, to the grant recipient.
- 5) A grant recipient is not eligible to obtain a grant amendment by default due to the Agency's failure to act within the time frame set forth in this Section.
- b) **Minor Project Scope of Work Changes.** A minor project scope of work change includes, but is not limited to, a change in location that does not affect air quality benefit, a change in equipment specification such as engine displacement capacity or equipment manufacturer, or other similar change, which is not a grant amendment. The following requirements and procedures apply to minor project scope of work changes:
- 1) Grant recipients shall notify the Agency, in writing, of all proposed minor project scope of work changes.
- 2) The Agency may approve proposed minor project scope of work changes that it determines are cost-effective and within the overall scope, criteria, requirements, and limitations of the grant project.
- 3) The Agency shall notify the grant recipient in writing of its approval or rejection of the request.
- 4) A grant recipient cannot obtain approval of a project scope of work change by default due to the Agency's failure to respond to such a request.

SUBPART D: REQUIREMENTS APPLICABLE TO PROJECT INITIATION,
CHANGES, COMPLETION AND OPERATION OF PROJECT**Section 261.410 Project Initiation
EMERGENCY**

The grant recipient shall not commence the project scope of work until receipt of the Agency's

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

project confirmation letter. In the event the grant recipient commences any part of the project scope of work prior to receipt of the Agency's project confirmation letter, the Agency may reject a request for payment for any and all costs incurred.

Section 261.420 Operation and Maintenance of the Project**EMERGENCY**

- a) Grant recipients shall provide project oversight and monitoring to assure compliance with the project scope of work.
- b) Grant recipients must operate and maintain the vehicle, equipment, and/or technology according to manufacturer specifications.

Section 261.430 Delays and Developments**EMERGENCY**

- a) The grant recipient shall notify the Agency in writing of any problems, delays, or adverse conditions which may materially impair its ability to complete the project scope of work. This notice shall include a statement of the action taken, or contemplated to be taken, to resolve the situation. This in no way implies that any such action or delay is accepted by the Agency or relieves the grant recipient of its obligations under the grant agreement or this Part.
- b) The grant recipient shall notify the Agency of any favorable developments which may enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more beneficial results than originally planned.
- c) This Section cannot be used to request or obtain approval of proposed minor project scope of work changes or proposed grant amendments.

Section 261.440 State and Federal Oversight**EMERGENCY**

- a) The Agency and other entities as referenced in Subpart G of this Part shall have oversight of all grant projects performed under the ICDGP. Oversight includes, but is not limited to, access to the project work, personnel, and records in accordance with Subpart G of this Part.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

- b) The Agency may request changes to the grant recipient's performance of the project scope of work as a result of its oversight of the grant project. The grant recipient must modify its performance, as requested by the Agency, within the time frame specified by the Agency.
- c) The Agency may partner with other entities to perform oversight of grant projects.

**Section 261.450 Evaluation of Performance
EMERGENCY**

The Agency shall oversee grant recipient performance in the following manner:

- a) The Agency shall evaluate the grant recipient's performance and progress towards completion of the grant project.
- b) If the Agency's evaluation reveals that the grant recipient is not in compliance with one or more provisions of the grant agreement or this Part, the Agency shall attempt to resolve the situation through negotiation. The Agency and the grant recipient shall put any settlement reached in writing as a grant amendment or minor project scope of work change, in accordance with Section 261.390 (Amendments to Grant Agreement and Minor Project Scope of Work Changes) of this Part.
- c) If resolution is not achieved, the Agency may impose any of the remedies set forth in Subpart F of this Part.

**Section 261.460 Final Inspection
EMERGENCY**

The grant recipient shall notify the Agency in writing within 30 calendar days after completion of the project scope of work. The Agency shall conduct the final inspection within 60 calendar days after receipt of the notice of completion. If the Agency concludes at final inspection that performance of the project scope of work is deficient, the Agency shall notify the grant recipient in writing within 30 calendar days after final inspection. Within 30 calendar days after receipt of the Agency's written notice of deficiency, the grant recipient shall satisfy such deficiency and notify the Agency in writing of completion. The Agency shall schedule a follow-up inspection, or other appropriate review, within 30 calendar days after receipt of such notice.

Section 261.470 Equipment Disposition and Recoupment

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

EMERGENCY

- a) Grants under this Part are subject to applicable property disposition requirements contained in 40 CFR 30.34, 40 CFR 31.32, or 49 CFR 18.32, and the grant agreement.
- b) Subject to subsection (a), if at any time the vehicle or equipment outlined in the project scope of work is not being used for its intended purpose by the grant recipient, the grant recipient may be required to reimburse the Agency for such vehicle, equipment, and/or technology cost plus installation in accordance with a straight-line month-to-month amortization over a five year period.

SUBPART E: REQUIREMENTS APPLICABLE TO GRANT DISBURSEMENTS

Section 261.510 Determination of Allowable Costs**EMERGENCY**

- a) Allowable Costs. Allowable costs are reasonable and necessary costs directly attributable to the project scope of work. Allowable costs shall be identified in the grant agreement. Categories of reasonable and necessary costs include:
 - 1) The direct purchase of eligible vehicles, equipment, or technology as specified in Sections 261.340 (Vehicle and Equipment Eligibility Criteria) or 261.350 (Technology Eligibility Criteria) of this Part, the materials necessary for installation of the eligible equipment or technology, and installation of the eligible equipment or technology;
 - 2) Costs incurred only during the grant period; and
 - 3) Other costs as determined by the Agency.
- b) Disputes Concerning Allowable Costs. Grant recipients shall seek to resolve any questions relating to cost allowability or allocation at the earliest opportunity. Final determinations by the Director concerning the allowability of costs shall be conclusive.

Section 261.520 Use of Grant Funds and Unallowable Costs**EMERGENCY**

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

- a) Grant funds shall be expended solely for approved allowable costs incurred in the performance of the project scope of work.
- b) Grant recipients shall pay the unallowable costs associated with the grant project, as well as all allowable costs that exceed the amount of the grant, and shall perform the project or cause it to be performed to completion in accordance with the project scope of work within the grant period.

**Section 261.530 Disbursement of Grant Funds
EMERGENCY**

- a) Unless otherwise authorized, the Agency shall use reimbursement disbursements as the method of payment of grant funds.
- b) Disbursements are subject to appropriation by the State and the availability of cash deposited into the applicable fund from the applicable funding source.
- c) Disbursements shall be made as follows:
 - 1) Within 30 days after completion of final inspection as required by Section 261.460 of this Part, the grant recipient shall submit invoices or a final invoice to the Agency showing purchases made and services performed; and
 - 2) Unless otherwise authorized by the Agency, disbursements will be limited to either the maximum amount specified in the grant agreement or the actual allowable costs incurred, whichever is less, as evidenced by invoices or a final invoice. The Agency may withhold any disbursement for a violation of the grant agreement or this Part.
- d) Unless otherwise authorized by the Agency, grant recipients shall make prompt payment to their contractor or subcontractor prior to requesting disbursement from the Agency.
- e) The grant recipient shall reimburse the State within 45 days the State's share of any refunds, rebates, credits, or other amounts (including any interest) accruing to or received by the grant recipient with respect to the grant project that are properly allocable to costs for which grant funds have been disbursed, minus any reasonable expenses incurred in securing these funds.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

- f) Unless otherwise authorized by the Agency, before payment under the grant agreement can be made:
- 1) The Agency shall conduct a final inspection in accordance with Section 261.460 of this Part to insure that all applicable grant requirements and conditions have been satisfied; and
 - 2) Grant recipients must submit to the Agency all invoices or a final invoice, referencing the name of the organization for which the project scope of work was performed, and a cover letter indicating that the project scope of work is completed, a description of the payment made, proof of full payment, and the grant disbursement amount requested.

**Section 261.540 Agency Reimbursement
EMERGENCY**

The Agency shall be reimbursed for any grant funds disbursed which have not been spent in accordance with the Illinois Grant Funds Recovery Act [30 ILCS 705], this Part, or the grant agreement. The grant applicant must reimburse the Agency for any misspent funds.

**SUBPART F: LIABILITIES AND REMEDIES FOR FAILURE TO
COMPLY WITH GRANT PROCEDURES****Section 261.610 Noncompliance with Grant Requirements and Procedures
EMERGENCY**

- a) In the event of noncompliance with any provision of the grant agreement or this Part, the Director may take any necessary action as provided by law or by the grant agreement against the grant recipient including, but not limited to, one or more of the following actions:
- 1) Commence legal action in a court of competent jurisdiction;
 - 2) Declare all grant funds revoked immediately and recover all grant funds;
 - 3) Terminate the grant pursuant to Section 261.630 (Grant Termination by the Agency) of this Subpart;

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

- 4) Suspend all or part of the project scope of work pursuant to Section 261.620 (Project Suspension) of this Subpart; or
 - 5) Reduce the amount of the grant by the amount of misused funds.
- b) In determining whether to take action, the Agency shall, at a minimum, consider mitigating or aggravating factors, including, but not limited to, the severity and number of the violations, whether the violation is a continuing one, whether the grant recipient can remedy or has remedied the violation, and whether the grant recipient and any contractor or subcontractor remain capable of complying with the approved project scope of work.

**Section 261.620 Project Suspension
EMERGENCY**

- a) In the event of any violation of this Part or noncompliance with any provision of the grant agreement, the Agency may, by written notice and order, require the grant recipient to suspend all or any part of the project scope of work for a period of not more than 30 calendar days after the date of the order, and for any further period to which the parties may agree. Any such order shall include a list of the project activities to which it applies. Upon receipt of a project suspension order, the grant recipient shall immediately comply with its terms and shall minimize the incurrence of costs allocable to the work covered by the order during the period of suspension. Within 30 days after the date of the project suspension order, or within the period of any extension to which the parties have agreed, the Agency may:
- 1) Cancel the project suspension order upon resolution of the violation or cause leading to that project suspension order; or
 - 2) Terminate the work covered by the project suspension order, as provided in Section 261.630 (Grant Termination by the Agency) of this Subpart.
- b) If a project suspension order is cancelled or the period of the order or any extension thereof expires, the grant recipient shall resume work. An adjustment may be made in the grant period, the grant amount, or any combination of these, and the grant amended accordingly, if the grant recipient submits a written claim for such an adjustment to the Agency within 30 calendar days after the end of the project suspension. Any such adjustment is at the discretion of the Agency.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

- c) All costs that are incurred by the grant recipient after the receipt of a project suspension order, or during any extension of the project suspension order period to which the Agency and the grant recipient have agreed, shall be deemed unallowable costs unless otherwise authorized by the Agency in writing.

**Section 261.630 Grant Termination by the Agency
EMERGENCY**

The Agency, by written notice to the grant recipient, may terminate the grant in whole or in part. Cause for termination shall include, but is not limited to, an Agency determination that the grant recipient has failed to make sufficient progress in performing the project scope of work, or failure by the grant recipient to comply with any provision of the grant agreement or this Part. Upon grant termination, the grant recipient shall refund any unexpended grant funds to the State, except for such portion as may be required to pay the allowable costs under an enforceable sub-agreement prior to the effective date of the termination. Within 30 days after grant termination, the grant recipient must provide to the Agency written proof of allowable costs incurred prior to the effective date of the termination.

**Section 261.640 Recovery of Grant Funds
EMERGENCY**

If the Agency determines that any grant funds are being misspent or improperly held by the grant recipient, the Agency or the Attorney General shall have the authority to recover those funds and take any action authorized by the Illinois Grant Funds Recovery Act [30 ILCS 705].

**Section 261.650 Indemnification
EMERGENCY**

The grant recipient agrees to defend, indemnify, and hold harmless the State, its agencies, officers, employees, agents, and volunteers from any and all costs, demands, expenses, losses, claims, damages, liabilities, settlements, and judgments, including in-house and contracted attorneys' fees and expenses, caused by, arising out of, or occurring in connection with

- a) the grant or execution of any work or sub-agreement arising out of the grant,
- b) any actual or alleged death or injury to any person, damage to any property, or any other damage or loss by whomsoever suffered, claimed to result in whole or

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

in part from the grant or execution of any work or sub-agreement arising out of the grant, or

- c) any act, activity, or omission of the grant recipient or any of its employees, representatives, contractors, subcontractors, or agents.

The grant recipient shall require any contractor or subcontractor engaged by the grant recipient to agree in writing to look solely to the grant recipient for performance of its sub-agreement with the grant recipient and for satisfaction of any and all claims arising thereunder.

**Section 261.660 Disputes Relating to Performance
EMERGENCY**

- a) Disputes relating to performance of the project scope of work that are not disposed of by agreement shall be decided by the Director, or his or her authorized representative, who shall render a decision in writing. This decision shall be furnished to the grant recipient by mail, electronic mail, facsimile, personal service, or by similar means. The decision of the Director shall be in accordance with this Part and shall be final and conclusive.
- b) Subsection (a) shall not preclude the Director from considering questions of law or equity in any decision.

SUBPART G: REQUIREMENTS APPLICABLE TO
ACCESS, AUDITING, AND RECORDS

**Section 261.710 Access
EMERGENCY**

- a) Any entity with grant oversight authority, and any representative of such entity, shall have access, during normal business hours and at any other time during which project work is being performed, to the premises where any project work is being performed. After completion of the grant project, any entity with grant oversight authority, and any representative of such entity, shall have access to the resulting grant project work for five years, during normal business hours. During any such access under this subsection, interviews of persons may be conducted.
- b) Failure by the grant recipient or any of its contractors or subcontractors, as applicable, to provide access as required by this Section after 3 business days

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

written notice from the Agency, may be cause for termination of the grant, pursuant to Section 261.630 (Grant Termination by the Agency) of this Part, and refund to the State of any unexpended grant funds. In addition, any grant recipient, contractor, or subcontractor, as applicable, found in noncompliance with this Section shall repay any grant funds in accordance with Section 261.640 of this Part.

**Section 261.720 Audit and Records
EMERGENCY**

- a) The grant recipient, its contractors and subcontractors as applicable, shall maintain books, records, documents, reports, papers, agreements, sub-agreements, and other evidentiary material and accounting procedures and practices (hereinafter collectively referred to as "records") as required by the grant agreement and any applicable law or regulation, and consistent with generally accepted accounting standards.
- b) For purposes of this Section, "records" shall include, but not be limited to, the following:
 - 1) Documentation of the receipt and disposition by the grant recipient of all grant funds received for the project, including both grant financial assistance and any matching share or cost share; and
 - 2) Documentation of the costs charged to the grant project, including all direct and indirect costs of whatever nature incurred for the performance of the project scope of work for which the grant has been provided.
- c) The grant recipient's facilities, or any facilities engaged in the performance of the grant project, and the grant recipient's records, including any contractor or subcontractor's records as applicable, shall be subject to inspection and audit by any entity with grant oversight authority, and any representative of such entity, at the times specified in Section 261.710 (Access) of this Subpart.
- d) The grant recipient, its contractors and subcontractors as applicable, shall preserve and make its records available to any entity with grant oversight authority, and any representative of such entity, for the following record retention periods:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

- 1) Five years from the date of final payment under the grant or submission of final expenditure under the grant, whichever is later; or
 - 2) Any longer period required by law or by subsections (e) or (f) of this Section.
- e) If the grant is completely or partially terminated, the records relating to the terminated work shall be preserved and made available for the applicable record retention period as specified by subsection (d) after any resulting final termination settlement.
 - f) If any dispute, litigation, claim, negotiation, audit, or other action involving the records has been started before expiration of the applicable record retention period specified in subsection (d), the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the applicable record retention period, whichever is later.
 - g) Failure of the grant recipient or its contractors or subcontractors, as applicable, to make records available as required by this Section after 3 business days written notice from the Agency may be cause for termination of the grant, pursuant to Section 261.630 (Grant Termination by the Agency) of this Part, and refund to the State of any unexpended grant funds. In addition, any grant recipient, contractor, or subcontractor, as applicable, found in non-compliance with this Section shall repay any grant funds in accordance with Section 261.640 of this Part.
 - h) The rights of access under this Section are not limited to the applicable record retention period, but shall last as long as the records are retained.
 - i) The grant recipient, its contractors and subcontractors as applicable, shall comply with any investigations and interviews relating to the grant project and records relating thereto.

**Section 261.730 Single Audit Act
EMERGENCY**

Grant recipients, their contractors and subcontractors as applicable, shall comply with the provisions of the Single Audit Act (31 USC 7501 et seq.), as applicable, and inspections and investigations pertaining thereto.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

**Section 261.740 Reporting
EMERGENCY**

- a) Grant recipients must provide any and all reports specified by the Agency in the grant agreement and must provide such reports in the time frame specified by the Agency. Grant recipients must comply with any and all other applicable State or federal reporting requirements.
- b) Grant recipients must cooperate with the Agency in fulfillment of the Agency's reporting requirements which relate to the grant, including any State or federal reporting requirements which may apply. Grant recipients must provide the information requested by the Agency in the time frame specified by the Agency.
- c) Noncompliance with this Section shall be grounds for termination of the grant in accordance with Section 261.630 (Grant Termination by the Agency) of this Part.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Video Gaming
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
1800.110	New Section
1800.115	New Section
1800.120	New Section
1800.210	New Section
1800.220	New Section
1800.230	New Section
1800.240	New Section
1800.250	New Section
1800.260	New Section
1800.270	New Section
1800.310	New Section
1800.320	New Section
1800.410	New Section
1800.420	New Section
1800.430	New Section
1800.510	New Section
1800.520	New Section
1800.530	New Section
1800.540	New Section
1800.550	New Section
1800.560	New Section
1800.570	New Section
1800.580	New Section
1800.610	New Section
1800.615	New Section
1800.620	New Section
1800.625	New Section
1800.630	New Section
1800.635	New Section
1800.640	New Section
1800.650	New Section
1800.660	New Section
1800.670	New Section
1800.680	New Section
1800.690	New Section

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

1800.695	New Section
1800.710	New Section
1800.715	New Section
1800.720	New Section
1800.725	New Section
1800.730	New Section
1800.735	New Section
1800.740	New Section
1800.745	New Section
1800.750	New Section
1800.760	New Section
1800.770	New Section
1800.780	New Section
1800.790	New Section
1800.810	New Section

- 4) Statutory Authority: Implementing and authorized by the Video Gaming Act [230 ILCS 40]
- 5) Effective date of Rules: October 19, 2009
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of the 150-day period or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: October 19, 2009
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Illinois Gaming Board's principal office and is available for public inspection.
- 9) Reason for Emergency: The Illinois Gaming Board is mandated by Section 78(b) of the Video Gaming Act [230 ILCS 40/78(b)] to "adopt emergency rules to administer this Act in accordance with Section 5-45 of the Illinois Administrative Procedure Act" and authorizes use of emergency rulemaking procedures.
- 10) A Complete Description of the Subjects and Issues Involved: These emergency rules implement the provisions of the Video Gaming Act enacted by Public Act 96-34 and amended by Public Acts 96-37 and 96-38. The Video Gaming Act authorizes installation of video gaming terminals used for wagering purposes in various categories of licensed locations, and provides for the distribution of specified percentages of video gaming

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

revenues to State and local governments for designated purposes. The Illinois Gaming Board is responsible for administering and enforcing the Video Gaming Act.

- 11) Are there any other amendments pending to this Part? No
- 12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
- 13) Information and questions regarding this emergency rule shall be directed to

Michael Fries
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago, Illinois 60601

Fax No. 312/814-7253
michael.fries@igb.illinois.gov

The full text of the Emergency Rules begins on the next page.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE D: VIDEO GAMING
CHAPTER I: ILLINOIS GAMING BOARD

PART 1800
VIDEO GAMING (GENERAL)

SUBPART A: GENERAL PROVISIONS

Section
1800.110 Definitions
EMERGENCY
1800.115 Gender
EMERGENCY
1800.120 Inspection
EMERGENCY

SUBPART B: DUTIES OF LICENSEES

Section
1800.210 General Duties of All Video Gaming Licensees
EMERGENCY
1800.220 Continuing Duty to Report Violations
EMERGENCY
1800.230 Duties of Licensed Manufacturers
EMERGENCY
1800.240 Duties of Licensed Distributors
EMERGENCY
1800.250 Duties of Licensed Video Terminal Operators
EMERGENCY
1800.260 Duties of Licensed Technicians
EMERGENCY
1800.270 Duties of Licensed Video Gaming Locations
EMERGENCY

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section
1800.310 Grounds for Disciplinary Actions

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

EMERGENCY

1800.320 Minimum Standards for Use Agreements

EMERGENCY

SUBPART D: LICENSING QUALIFICATIONS

Section

1800.410 Coverage of Subpart

EMERGENCY

1800.420 Qualifications for Licensure

EMERGENCY

1800.430 Persons with Significant Influence or Control

EMERGENCY

SUBPART E: LICENSING PROCEDURES

Section

1800.510 Coverage of Subpart

EMERGENCY

1800.520 Form of Application

EMERGENCY

1800.530 Submission of Application

EMERGENCY

1800.540 Application Fees

EMERGENCY

1800.550 Consideration of Applications by the Board

EMERGENCY

1800.560 Issuance of License

EMERGENCY

1800.570 Renewal of License

EMERGENCY

1800.580 Renewal Fees and Dates

EMERGENCY

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

Section

1800.610 Coverage of Subpart

EMERGENCY

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

- 1800.615 Requests for Hearing Regarding Denial of Application
EMERGENCY
- 1800.620 Appearances
EMERGENCY
- 1800.625 Appointment of Administrative Law Judge
EMERGENCY
- 1800.630 Discovery
EMERGENCY
- 1800.635 Subpoenas
EMERGENCY
- 1800.640 Motions for Summary Judgment
EMERGENCY
- 1800.650 Proceedings
EMERGENCY
- 1800.660 Evidence
EMERGENCY
- 1800.670 Prohibition on Ex Parte Communication
EMERGENCY
- 1800.680 Sanctions and Penalties
EMERGENCY
- 1800.690 Transmittal of Record and Recommendation to the Board
EMERGENCY
- 1800.695 Status of Applicant for Licensure Upon Filing Request for Hearing
EMERGENCY

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

Section

- 1800.710 Coverage of Subpart
EMERGENCY
- 1800.715 Notice of Proposed Disciplinary Action Against Licensees
EMERGENCY
- 1800.720 Hearings in Disciplinary Actions
EMERGENCY
- 1800.725 Appearances
EMERGENCY
- 1800.730 Appointment of Administrative Law Judge
EMERGENCY
- 1800.735 Discovery

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

EMERGENCY

1800.740 Subpoenas

EMERGENCY

1800.745 Motions for Summary Judgment

EMERGENCY

1800.750 Proceedings

EMERGENCY

1800.760 Evidence

EMERGENCY

1800.770 Prohibition on Ex Parte Communication

EMERGENCY

1800.780 Sanctions and Penalties

EMERGENCY

1800.790 Transmittal of Record and Recommendation to the Board

EMERGENCY

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN
LICENSED VIDEO GAMING LOCATIONS

Section

1800.810 Location and Placement of Video Gaming Terminals

EMERGENCY

AUTHORITY: Implementing and authorized by the Video Gaming Act [230 ILCS 40].

SOURCE: Emergency Rule adopted at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 1800.110 Definitions

EMERGENCY

For purposes of this Part the following terms shall have the following meanings:

"Act": The Video Gaming Act.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

"Affiliate": An "affiliate of", or person "affiliated with", a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such person.

"Applicant": A person applying for any license under the Video Gaming Act.

"Associated video gaming equipment": Ticket payout systems and validation procedures; wireless, promotional and bonusing systems; kiosks; gaming-related peripherals; hardware, software and systems; and other gaming devices and equipment for compliance with:

Illinois laws, regulations, and requirements as codified or otherwise set forth; and

Board-approved video gaming industry standards.

"Board": The Illinois Gaming Board.

"Business entity" or "Business": A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.

"Chi-square test": A statistical test used to determine if a relationship between variables exists by comparing expected and observed cell frequencies. Specifically, a chi-square test examines the observed frequencies in a category and compares them to what would be expected by chance or would be expected if there was no relationship between variables.

"Control": The possession of power to direct or cause the direction of the management and policies of an applicant or licensee through the ownership of voting securities, by contract or otherwise.

"Convenience store": A retail store that is open long hours, sells motor fuel, and a limited selection of snacks and general goods.

"Credit": Five, ten, or twenty-five cents.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

"Distributor": An individual, partnership, or corporation licensed under this Act to buy, sell, lease, or distribute video gaming terminals or major components or parts of video gaming terminals to or from terminal operators.

"Fraternal organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under Section 501(c)(8) or (C)(10) of the Internal Revenue Code.

"Illinois Resident":

With respect to an individual, an individual who maintains a bona fide full time primary place of abode in this state, and does not claim to be a resident of any other state for any purpose whatsoever. Evidence of residency may include, but is not limited to, affidavits, voter registration, automobile registration or driver's license, filing of income tax returns as a resident of this state for the preceding calendar year, home ownership or rental agreements, club and/or organizational memberships and participation, and telephone or utility usage.

With respect to a corporation, any corporation organized under the laws of this State and any foreign corporation with a certificate of authority to transact business in Illinois. A foreign corporation not authorized to transact business in this State is a nonresident of this State.

With respect to a partnership, a partnership in which any partner is an Illinois resident, or where the partnership has an office and is doing business in Illinois.

With respect to an irrevocable trust, a trust where the grantor was an Illinois resident individual at the time such trust became irrevocable.

"License": Authorization granted by the Board permitting a licensee to engage in the defined activities of video gaming.

"Licensed establishment": Any licensed retail establishment where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises. "Licensed establishment" does not include a facility operated by an organization licensee, an intertrack wagering licensee, or an intertrack wagering

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

location licensee licensed under the Illinois Horse Racing Act of 1975 or a riverboat licensed under the Riverboat Gambling Act.

"Licensed fraternal establishment": The location where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

"Licensed technician": An individual who is licensed under this Act to repair, service, and maintain video gaming terminals.

"Licensed terminal handler": A person, including but not limited to an employee or independent contractor working for a manufacturer, distributor, supplier, technician, or terminal operator, who is licensed under this Act to possess or control a video gaming terminal or to have access to the inner workings of a video gaming terminal. A licensed terminal handler does not include an individual, partnership, or corporation defined as a manufacturer, distributor, supplier, technician, or terminal operator under Section 5 of the Video Gaming Act.

"Licensed truck stop establishment": A facility that is at least a 3-acre facility with a convenience store and with separate diesel islands for fueling commercial motor vehicles and parking spaces for commercial motor vehicles as defined in Section 18b-101 of the Illinois Vehicle Code.

"Licensed veterans establishment": The location where a qualified veterans organization that derives its charter from a national veterans organization regularly meets.

"Licensed video gaming location": A licensed establishment, licensed fraternal establishment, licensed veterans establishment, or licensed truck stop establishment, all as defined in Section 5 of the Video Gaming Act.

"Manufacturer": An individual, partnership, or corporation that is licensed under this Act and that manufactures or assembles video gaming terminals.

"Net terminal income": Money put into a video gaming terminal minus credits paid out to players.

"Person": "Person" includes both individuals and business entities.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

"Supplier": An individual, partnership, or corporation that is licensed under this Act to supply major components or parts to video gaming terminals to licensed terminal operators.

"Terminal operator": An individual, partnership or corporation that is licensed under this Act that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed truck stop establishments, licensed fraternal establishments, or licensed veterans establishments.

"Veterans organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under Section 501(c)(19) of the Internal Revenue Code.

"Video gaming operation": As the context requires, the conducting of video gaming and all related activities.

"Video gaming terminal": Any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

**Section 1800.115 Gender
EMERGENCY**

Words importing the masculine gender include females and neutral entities.

**Section 1800.120 Inspection
EMERGENCY**

The Board and its agents shall have unrestricted access to enter the premises or motor vehicles of any licensee or applicant where evidence of compliance or noncompliance with the provisions of the Act or this Part may be found.

SUBPART B: DUTIES OF LICENSEES

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

**Section 1800.210 General Duties of All Video Gaming Licensees
EMERGENCY**

In addition to all other duties and obligations required by the Video Gaming Act and this Part, each video gaming licensee and applicant for licensure under the Act has an ongoing duty to comply with the following:

- a) Comply with all federal, state, and local laws and regulations;
- b) At all times, conduct himself in a professional manner when communicating with the public and the Board;
- c) Disclose all ownership interest to the Board in accordance with the Video Gaming Act and this Part;
- d) Conduct the licensee's video gaming operation in a manner that does not pose a threat to the public health, safety, morals, good order or general welfare of the people of the State of Illinois;
- e) Conduct the licensee's video gaming operation in a manner that does not discredit or tend to discredit the Illinois gaming industry or the State of Illinois;
- f) Conduct the licensee's video gaming operation in a manner that does not reflect adversely on the security or integrity of the Illinois video gaming industry;
- g) Keep current in all payments and obligations to the State of Illinois and to other licensees with whom video gaming business is conducted.
- h) Identify to the Board any individual or entity acting on behalf of the licensee, for compensation, with regard to Board action.
- i) Notify the Board of any proposed change in ownership or any transaction that requires approval of qualifications in accordance with the Act and this Part.

**Section 1800.220 Continuing Duty to Report Violations
EMERGENCY**

Licensees and applicants for licensure under the Act and persons with significant influence and control must promptly report all of the following to the Administrator or his designee:

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

- a) A violation of the Act, this Part or any illegal conduct including, but not limited to, the possession, maintenance, facilitation or use of any illegal gaming device;
- b) Any fact, event, occurrence, matter or action that may affect the conduct of video gaming or the business and financial arrangements incidental thereto, or the ability to conduct the activities for which the licensee is licensed including, but not limited to, any change in persons identified as having significant influence or control;
- c) Each arrest, summons, citation or charge for any criminal offense or violation, excluding minor traffic violations; and
- d) Any adverse action taken or nonrenewal relative to a liquor license.

**Section 1800.230 Duties of Licensed Manufacturers
EMERGENCY**

In addition to all other duties and obligations required by the Video Gaming Act and this Part, each licensed manufacturer has an ongoing duty to comply with the following:

- a) Manufacture video gaming terminals and associated video gaming equipment for placement in the State in accordance with the specifications and procedures set forth in the Act, this Part or adopted by the Board;
- b) Maintain and provide inventory of associated video gaming equipment to ensure the timely repair and continued, approved operation and play of video gaming terminals certified for use in Illinois;
- c) Provide technical assistance and training in accordance with the Act and this Part;
- d) Comply with the provisions of the Gaming Device Act of 1962 (15 USC 1173);
- e) Obtain all approvals and certifications required by the Video Gaming Act and this Part or as required by the Board; and
- f) Not own, manage or control a licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

**Section 1800.240 Duties of Licensed Distributors
EMERGENCY**

In addition to all other duties and obligations required by the Act and this Part, each licensed distributor has an ongoing duty to comply with the following:

- a) Buy, sell, distribute, lease, or market in Illinois only video gaming terminals that have been tested and certified for use in Illinois;
- b) Provide technical assistance and training in accordance with the Act and this Part; and
- c) Not own, manage or control a licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment.

**Section 1800.250 Duties of Licensed Video Terminal Operators
EMERGENCY**

In addition to all other duties and obligations required by the Act and this Part, each licensed terminal operator has an ongoing duty to comply with the following:

- a) Assume the primary responsibility for the operation and maintenance of video gaming terminals and for payment of tax remittance to the State as required by the Act;
- b) Maintain and provide, either directly or through a licensed manufacturer, distributor, supplier or technician, an inventory of associated video gaming equipment to ensure the timely repair and continued, approved operation and play of the video gaming terminals it operates;
- c) Ensure the timely repair and continued, approved operation and play of the video gaming terminals it operates;
- d) Assume responsibility for the payment of valid receipt tickets issued by video gaming terminals it operates;
- e) Maintain at all times an approved method of payout for valid receipt tickets and pay all valid receipt tickets;

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

- f) Assume responsibility for terminal and associated video gaming equipment malfunctions, including any claim for the payment of credits arising from malfunctions;
- g) Promptly notify the Board of electronic or mechanical malfunctions or problems experienced in a terminal that affect the integrity of terminal play;
- h) Extend no form of deferred payment for video gaming terminal play in which an individual receives something of value now and agrees to repay the lender in the future for the purpose of wagering at a video gaming terminal;
- i) Maintain a separate bank account for each licensed video gaming location for deposit of revenues generated from the play of video gaming terminals and allow for electronic fund transfers for tax payments;
- j) Enter into written use agreements with licensed video gaming locations that comply with the Act and this Part;
- k) Obtain and install, at no cost to the State and as required by the Board, all hardware, software and related accessories necessary to connect video gaming terminals to a central communications system;
- l) Offer or provide nothing of value to any licensed video gaming location or any agent or representative thereof as an incentive or inducement to locate, keep or maintain video gaming terminals at the licensed video gaming location;
- m) Not own, manage or control a licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment;
- n) Conduct advertising and promotional activities in accordance with this Part and in a manner that does not reflect adversely on or that would discredit or tend to discredit the Illinois gaming industry or the State of Illinois;
- o) Respond to service calls within a reasonable time from the time of notification by the video gaming location;
- p) Immediately remove all video gaming terminals from the restricted area of play:
 - 1) upon order of the Board or an agent of the Board, or

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

- 2) that have been out of service or otherwise inoperable for more than 72 hours;
- q) Provide the Board with a current list of video gaming terminals acquired for use in Illinois; and
- r) Not install, remove or relocate any video gaming terminal without prior notification and approval of the Administrator or his designee.

Section 1800.260 Duties of Licensed Technicians**EMERGENCY**

In addition to all other duties and obligations required by the Act and this Part, each licensed technician has an ongoing duty to comply with the following:

- a) Promptly notify the Board of electronic or mechanical malfunctions or problems experienced in a terminal that affect the integrity of terminal play;
- b) Promptly notify the Board of any unauthorized or illegal video gaming location or any video gaming terminal that is in violation of Section 35 of the Video Gaming Act;
- c) Ensure that every video gaming terminal is licensed by the Board before any service, maintenance or repair is performed;
- d) Comply with all specifications and technical requirements issued by the Board; and
- e) Carry and display identification issued by the Board when working on video gaming terminals and associated video gaming equipment.

Section 1800.270 Duties of Licensed Video Gaming Locations**EMERGENCY**

In addition to all other duties and obligations required by the Act and this Part, each licensed video gaming location has an ongoing duty to comply with the following:

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

- a) Provide a secure premise for the placement, operation and play of video gaming terminals;
- b) Permit no one to tamper with or interfere with the approved operation of any video gaming terminal;
- c) Ensure that all connections with the central communications system and associated video gaming equipment are at all times maintained and prevent any person from tampering or interfering with the approved, continuing operation of the central communications system;
- d) Accept nothing of value from any video terminal operator or any agent or representative thereof as an incentive or inducement to locate, keep or maintain video gaming terminals at the licensed video gaming location;
- e) Conduct advertising and promotional activities in accordance with this Part and in a manner that does not reflect adversely on or that would discredit or tend to discredit the Illinois gaming industry or the State of Illinois;
- f) Immediately remove all video gaming terminals from the restricted area of play:
 - 1) upon order of the Board or an agent of the Board, or
 - 2) that have been out of service or otherwise inoperable for more than 72 hours;
- g) Enter written use agreements with licensed video terminal operators that comply with this Part;
- h) Ensure that video gaming terminals are placed and remain in a designated, approved location;
- i) Prevent access to or play of video gaming terminals by persons who are under the age of 21 years or who are visibly intoxicated;
- j) Commit no violations of the laws of this state concerning the sale, dispensing or consumption on premises of alcoholic beverages that results in suspension or revocation of a liquor license held by or associated with a licensed video gaming location;

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

- k) Maintain at all times an approved method of payout for valid receipt tickets and pay all valid receipt tickets;
- l) Extend no form of deferred payment for video gaming terminal play in which an individual receives something of value now and agrees to repay the lender in the future for the purpose of wagering at a video gaming terminal;
- m) Ensure that third party checks, including but not limited to payroll checks, are not cashed for video gaming terminal play;
- n) Promptly report all malfunctions of video gaming terminals and all out-of-service terminals to the video terminal operator and promptly notify the Board of a terminal operator's failure to provide service and repair of terminals and associated equipment within 24 hours after notice to the terminal operator;
- o) Install, post and display signs as required by the Board;
- p) Promptly notify the Board of any unauthorized or illegal video gaming terminals or any video gaming device that is in violation of Section 35 of the Video Gaming Act;
- q) Exercise control over the licensed video gaming location;
- r) Promptly notify the Board of any action taken on or related to any liquor license held;
- s) Maintain insurance coverage on all gaming devices in an amount set by the Board; and
- t) Allow maintenance and/or service of video gaming terminals and associated video gaming equipment only by licensed technicians and licensed terminal handlers possessing valid identification issued by the Board.

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

**Section 1800.310 Grounds for Disciplinary Actions
EMERGENCY**

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

- a) Holders of any license issued under the Act and identified persons with significant influence or control shall be subject to imposition of fines, suspension, revocation or restriction of license, or other disciplinary action for any act or failure to act by themselves or by their agents or employees that is injurious to the public health, safety, morals, good order and general welfare of the people of the State of Illinois, or that would discredit or tend to discredit the Illinois video gaming industry or the State of Illinois. Without limiting the foregoing, the following acts or omissions may be grounds for such discipline:
- 1) Failing to comply with or make provision for compliance with the Act, this Part, any federal, state or local law or regulation, or a control system or protocol mandated by the Board;
 - 2) Failing to comply with any order or ruling of the Board or its agents pertaining to the regulation of video gaming in Illinois;
 - 3) Receiving goods or services from a licensee or other person in violation of the Act's licensing requirements, or in violation of any restriction, condition, or prohibition of a license;
 - 4) Being suspended or ruled ineligible or having a license revoked or suspended in any state or gaming or video gaming jurisdiction;
 - 5) Employing, associating with, or participating in any enterprise or business with a documented or identifiable organized crime group or recognized organized crime figure;
 - 6) Employing, associating with, or participating in any enterprise or business with persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body;
 - 7) Failing to establish and maintain standards and procedures designed to prevent ineligible or unsuitable persons from being employed by the licensee, including any person known to have been found guilty of cheating or using any improper device in connection with any game or gaming device regulated under the Act or under the law of any gaming jurisdiction;

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

- 8) Misrepresenting any information to the Board;
 - 9) Intentionally making, causing to be made, or aiding, assisting, or procuring another to make any false statement in any report, disclosure, application, permit, form, or any other document, including improperly notarized documents, required by the Act, this Part or Board requirements;
 - 10) Submitting tardy, inaccurate, or incomplete material or information to the Board;
 - 11) Obstructing or impeding the lawful activities of the Board or its agents;
 - 12) Willfully or repeatedly failing to pay amounts due or to be remitted to the State;
 - 13) Failing to timely pay amounts due or to be remitted to the State;
 - 14) Failing to timely pay a fine imposed by the Board;
 - 15) Failing to respond in a timely manner to communications from the Board;
 - 16) Being unavailable to the Board or its representatives or agents;
 - 17) Aiding and abetting a violation by a Board member or employee, or other government official, of a requirement established by statute, resolution, ordinance, personnel code or code of conduct;
 - 18) Violation of the Act or this Part by any person identified as a person with significant influence or control; and
 - 19) Employing, associating with, or participating in any enterprise or business with a person determined unsuitable to be a person with significant influence or control over an applicant or licensee by the Board or any other gaming jurisdiction.
- b) A licensee whose employment has been terminated is subject to revocation of license for any act or failure to act which occurred while licensed.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

- c) A person who has had his or her license revoked by the Board may not reapply for a license without permission from the Board.

**Section 1800.320 Minimum Standards for Use Agreements
EMERGENCY**

In addition to the requirements set forth in the Act, a Use Agreement must satisfy the following:

- a) Only be between a licensed terminal operator and a licensed establishment, licensed truck stop establishment, license veterans establishment or licensed fraternal establishment;
- b) Contain an affirmative statement that no inducement was offered or accepted regarding the placement or operation of video gaming terminals in a licensed establishment, licensed truck stop establishment, license veterans establishment or licensed fraternal establishment;
- c) Contain an indemnity and hold harmless provision on behalf of the State, the Board, and its agents relative to any cause of action arising from a use agreement;
- d) Prohibit any assignment other than from a licensed terminal operator to another licensed terminal operator.

SUBPART D: LICENSING QUALIFICATIONS

**Section 1800.410 Coverage of Subpart
EMERGENCY**

The rules contained in this Subpart shall govern qualifications for all types of licenses issued by the Board pursuant to the Act.

**Section 1800.420 Qualifications for Licensure
EMERGENCY**

- a) In addition to the qualifications required in the Act, the Board may not grant any video gaming license until the Board is satisfied that the applicant is:
 - 1) A person of good character, honesty and integrity;

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

- 2) A person whose background, including criminal record, reputation and associations, is not injurious to the public health, safety, morals, good order and general welfare of the people of the State of Illinois;
 - 3) A person whose background, including criminal record, reputation and associations, does not discredit or tend to discredit the Illinois gaming industry or the State of Illinois;
 - 4) A person whose background, including criminal record, reputation, habits, social or business associations does not adversely affect public confidence and trust in gaming or pose a threat to the public interests of the State or to the security and integrity of video gaming;
 - 5) A person who does not create or enhance the dangers of unsuitable, unfair or illegal practices, methods and activities in the conduct of video gaming;
 - 6) A person who does not present questionable business practices and financial arrangements incidental to the conduct of video gaming activities or otherwise;
 - 7) A person who, either individually or through employees, demonstrates business ability and experience to establish, operate and maintain a business for the type of license for which application is made;
 - 8) A person who does not associate with, either socially or in business affairs, or employ persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body; and
 - 9) A person who has not had a gaming license revoked in any other jurisdiction.
- b) In addition to all other qualifications required in the Act and this Part, the Board may not grant a video terminal operator license until the Board is satisfied that the applicant:
- 1) Is a person who demonstrates adequate financing for the business proposed. The Board shall consider whether any financing is from a source that meets the qualifications in subsections (a)(1) through (9) of

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

this Section and is in an amount sufficient to ensure the likelihood of success in the performance of the licensee's duties and responsibilities pursuant to the Act and this Part; and

- 2) Has disclosed all persons with significant influence or control over the applicant or licensee.

**Section 1800.430 Persons with Significant Influence or Control
EMERGENCY**

- a) The Administrator shall identify each person that holds a position or level of influence over or control in each applicant or licensee that is significant to the regulatory concerns and obligations of the Board for the specified applicant or licensee.
- b) Each person identified as a person with significant influence or control shall comply with the following:
 - 1) Cooperate fully with any investigation conducted by or on behalf of the Board;
 - 2) Comply with the Act and this Part; and
 - 3) Submit annual disclosure information on forms provided by the Board.
- c) Persons with significant influence and control include, but are not limited, to the following:
 - 1) Each person in whose name the liquor license is maintained for each licensed video gaming location;
 - 2) Each person who holds, directly or indirectly, a "substantial interest" in an applicant or licensee;
 - 3) Each person who, in the opinion of the Administrator, has the ability to control the activities of the corporate applicant or elect a majority of the board of directors of that corporation, other than a bank or other licensed lending institution which holds a mortgage or other lien acquired in the ordinary course of business;

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

- 4) For any non corporate applicant, persons who in the opinion of the Administrator, have the ability to control the applicant.
- 5) Persons having the power to exercise significant influence over decisions concerning any part of the applicant's or licensee's video gaming operation.

SUBPART E: LICENSING PROCEDURES

**Section 1800.510 Coverage of Subpart
EMERGENCY**

The rules contained in this Subpart shall govern procedures for applying for, renewing and maintaining all types of licenses issued by the Board pursuant to the Act.

**Section 1800.520 Form of Application
EMERGENCY**

All applicants for licenses issued by the Board must submit applications for licensure or renewal of license on forms provided by the Board.

**Section 1800.530 Submission of Application
EMERGENCY**

All applications shall be submitted to the Board at its office in Chicago.

**Section 1800.540 Application Fees
EMERGENCY**

All applicants for a license issued by the Board shall pay the following application fees, as applicable, at the time of filing their application:

- a) Manufacturer – \$5,000
- b) Distributor – \$5,000
- c) Terminal Operator – \$5,000

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

- d) Supplier – \$2,500
- e) Technician – \$100
- f) Terminal Handler – \$50

**Section 1800.550 Consideration of Applications by the Board
EMERGENCY**

Only complete applications will be considered for licensure. Applications are complete when the applicant has submitted:

- a) All information required by the Act and this Part;
- b) All information required or requested by the Board; and
- c) Payment of the application fee.

**Section 1800.560 Issuance of License
EMERGENCY**

The Board may only issue a license after the background investigation is complete, the Board determines the applicant is suitable for licensure and the applicant has paid the required application fee.

**Section 1800.570 Renewal of License
EMERGENCY**

- a) The Board may only renew a license upon receipt of the applicable renewal fee and any renewal forms provided by the Board.
- b) The Board may only renew a license if the licensee continues to meet all qualifications for licensure set forth in the Act and this Part.

**Section 1800.580 Renewal Fees and Dates
EMERGENCY**

A licensee shall pay the following license fees annually, as applicable:

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

- a) Manufacturer – \$10,000
- b) Distributor – \$10,000
- c) Terminal Operator – \$5,000
- d) Supplier – \$2,000
- e) Technician – \$100
- f) Licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment – \$100
- g) Video gaming terminal – \$100
- h) Terminal Handler – \$50

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

**Section 1800.610 Coverage of Subpart
EMERGENCY**

The rules contained in this Subpart shall govern all hearings requested upon issuance of a notice of denial of an application for licensure. Hearings under this Subpart are de novo proceedings for the creation of a record regarding an applicant's suitability for licensure. A hearing under this Subpart is not an appeal of Board action.

**Section 1800.615 Requests for Hearing Regarding Denial of Application
EMERGENCY**

- a) If the Board finds that an applicant is not suitable for licensing, it shall issue the applicant a notice of denial.
- b) The Board shall serve notice on the applicant by personal service or U.S. certified mail and U.S. mail to the last known address of the applicant. Service is complete four days after mailing.
- c) Should an applicant wish to contest the action the Board has taken regarding his application, the applicant must submit a request for hearing to the Board.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

- d) All requests for hearing shall be in writing and shall include an original and one copy. The request shall contain the following:

Section 1800.620 Appearances**EMERGENCY**

- a) All petitioners may be represented by an attorney who is licensed to practice in Illinois. All attorneys who appear in a representative capacity on behalf of a petitioner must file a written appearance setting forth:
 - 1) The name, address and telephone number of the attorney;
 - 2) The name and address of the petitioner the attorney represents; and
 - 3) An affirmative statement that the attorney is licensed to practice in Illinois.
- b) Only individual attorneys may file appearances. Any petitioner's attorney who has not filed an appearance may not address the Administrative Law Judge or sign pleadings.
- c) An attorney may only withdraw his appearance upon written notice to the Administrative Law Judge.
- d) An individual may appear on his own behalf.
- e) A partner may appear on behalf of a partnership.
- f) A corporation and a limited liability company must be represented by an attorney.

Section 1800.625 Appointment of Administrative Law Judge**EMERGENCY**

- a) The Chairman of the Board may provide for or appoint a Board member or an attorney admitted to the practice of law by, and in good standing with, the Illinois Supreme Court as an Administrative Law Judge to conduct a hearing in accordance with this Subpart. If designated, the Administrator may provide for the appointment of an Administrative Law Judge to conduct a hearing in accordance with this Subpart. The petitioner will be copied on the letter of

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

appointment and such letter will serve as notice of the pendency of the hearing. The Administrative Law Judge shall establish a status date and notify the parties thereof.

- b) If the petitioner believes the Administrative Law Judge is biased or has a conflict of interest, the petitioner may file with the Board a motion to disqualify the Administrative Law Judge from conducting the hearing. The motion must be in writing, accompanied by an affidavit signed and dated by the petitioner setting forth the specific grounds for disqualification. The petitioner shall serve a copy of the motion on the Administrative Law Judge. Prior adverse rulings against the petitioner or its attorney in other matters shall not, in and of themselves, constitute grounds for disqualification. On satisfactory evidence submitted by the petitioner in support of the motion to disqualify, the Board shall remove the Administrative Law Judge and provide for the reassignment of the case to another Administrative Law Judge to continue the hearing. Any Administrative Law Judge may voluntarily disqualify himself upon determining that bias or conflict of interest exists. Grounds for disqualification of Administrative Law Judge shall include but not be limited to:
- 1) Financial interest or pecuniary benefit derived from the gaming industry;
 - 2) Personal friendship with any of the parties, witnesses or attorneys involved;
 - 3) Past representation of any of the parties or witnesses involved; or
 - 4) Demonstrable pre-disposition on the issues.
- c) If the motion to disqualify an Administrative Law Judge is denied, the Board shall set forth in writing the reasons for the denial and the Administrative Law Judge will proceed with the hearing. The motion to disqualify the Administrative Law Judge and the reasons for the denial of the motion will be part of the administrative record in the appeal of a final administrative decision upon conclusion of the hearing.

Section 1800.630 Discovery
EMERGENCY

- a) Upon written request served on the opposing party, a party shall be entitled to:

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

- 1) The name and address of any witness who may be reasonably expected to testify on behalf of the opposing party;
 - 2) All documents or other materials in the possession or control of the opposing party which the opposing party reasonably expects will be necessary to introduce into evidence. Petitioner's burden of production includes those documents petitioner reasonably expects to introduce into evidence either in his, her or its case-in-chief or in rebuttal. Rebuttal documents, to the extent that they are not immediately identifiable, shall be tendered to the Board within 14 days after receipt of documents tendered to petitioner by the Board unless additional time is granted by the Administrative Law Judge.
- b) Discovery may be obtained only through written requests to produce witness lists, documents or other materials, as specified in subsection (a) of this Section. Witnesses and documents responsive to a proper request for production that were not produced shall be excluded from the hearing and additional sanctions or penalties may be imposed.

**Section 1800.635 Subpoenas
EMERGENCY**

- a) Subpoenas for the attendance of witnesses at hearing may be served by the petitioner only upon application to the Administrative Law Judge.
- 1) The petitioner must show good cause, state the testimony to be elicited from a witness, state why the evidence to which the testimony relates cannot otherwise be obtained, and state the reasons why the testimony is necessary and relevant.
 - 2) An agent or employee of the Board may not be required by the petitioner to appear except under the procedures provided in this Section.
- b) The General Counsel of the Board or the Administrator may issue subpoenas for the attendance of witnesses or subpoenas duces tecum for the production of relevant documents, records or other material at a proceeding conducted under this Subpart F.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

**Section 1800.640 Motions for Summary Judgment
EMERGENCY**

The Administrative Law Judge may recommend the granting or denial of a summary judgment motion upon the filing of an appropriate motion by any party. A recommendation for denial of a summary judgment motion shall not be considered by the Board until the completion of the proceedings pursuant to Section 1800.650.

**Section 1800.650 Proceedings
EMERGENCY**

- a) The burden of proof is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing by clear and convincing evidence that the petitioner is suitable for licensing.
- b) All testimony shall be given under oath or affirmation.
- c) Both parties may present opening statements. Petitioner proceeds first.
- d) The petitioner shall then present his, her, or its case-in-chief.
- e) Upon the conclusion of the petitioner's case-in chief, the Board may move for a directed finding. The Administrative Law Judge may hear arguments on the motion or may grant, deny or reserve decision thereon, without argument.
- f) If no motion for directed finding is made, or if such motion is denied or decision reserved thereon, the Board may present its case.
- g) Each party may conduct cross-examination of adverse witnesses.
- h) Upon the conclusion of the Board's case, the petitioner may present evidence in rebuttal.
- i) Both parties may present closing arguments. The petitioner proceeds first, then the Board, and thereafter the petitioner may present rebuttal argument.

**Section 1800.660 Evidence
EMERGENCY**

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

- a) The hearing need not be conducted according to the technical rules of evidence. Any relevant evidence may be admitted and shall be sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action. Hearsay may support a finding of the Administrative Law Judge if it is the best evidence available, has sufficient indicia of trustworthiness and reliability and is of the type reasonably and customarily relied on in the video gaming industry.
- 1) If relevant and not precluded from the hearing by Section 6(d) of the Riverboat Gambling Act relating to all licensed applicants, official Illinois Gaming Board records or certified copies thereof shall be admissible into evidence;
 - 2) Official Illinois Gaming Board records are documents either prepared by or provided to the Board for the purpose of conducting its regular business;
 - 3) A petitioner must afford the Board an opportunity to investigate and verify information that petitioner intends to offer in support of his case. Petitioner shall not be permitted to introduce into evidence any information which the Board has not been afforded the opportunity to investigate and verify.
- b) The parties should, to the fullest extent possible, stipulate to all matters which are not or fairly should not be in dispute.
- c) The parties may make objections to evidentiary offers. When an objection is made, the Administrative Law Judge may receive the disputed evidence subject to a ruling at a later time.
- d) The Administrative Law Judge may take official notice of any generally accepted information or technical or scientific matter within the field of video gaming, and any other fact which may be judicially noticed by courts of this State. The parties shall be informed of any information, matter or facts so noticed, including any staff memoranda or data, and shall be given reasonable opportunity to refute such information.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

**Section 1800.670 Prohibition on Ex Parte Communication
EMERGENCY**

No party or its representative shall communicate directly or indirectly with the Administrative Law Judge or a member of the Illinois Gaming Board regarding any pending denial, except upon notice to and opportunity for all parties to participate.

**Section 1800.680 Sanctions and Penalties
EMERGENCY**

- a) The Administrative Law Judge may impose sanctions and penalties if the Administrative Law Judge finds that a party has acted in bad faith, for the purpose of delay, or has otherwise abused the hearing process. Such sanctions and penalties include but are not limited to default judgment or directed finding on one or more issues.
- b) If a petitioner fails to testify on his own behalf with respect to any question propounded to him, the Administrative Law Judge may infer therefrom that such testimony or answer would have been adverse to the petitioner's case.
- c) Failure of a petitioner to appear at a hearing or scheduled proceeding shall constitute an admission of all matters and facts contained in the notice of denial. In such cases the Administrative Law Judge may take action based upon such admission or upon any other evidence, including affidavits, without any further notice to the petitioner.

**Section 1800.690 Transmittal of Record and Recommendation to the Board
EMERGENCY**

- a) The record shall consist of the following:
 - 1) The notice of denial, the request for hearing and all motions and rulings thereon;
 - 2) All evidence received;
 - 3) A statement of matters officially noticed;
 - 4) Offers of proof, objections and rulings thereon;

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

- 5) The recommendation and any findings of fact and conclusions of law made by the Administrative Law Judge.
- b) Oral proceedings or any part thereof involving contested issues shall be recorded stenographically or by such other means as to adequately insure the preservation of such testimony or oral proceedings and shall be transcribed on request of any party. Said transcript shall be paid for by the requesting party.
- c) Upon conclusion of the hearing the Administrative Law Judge shall issue to the Board written findings of fact and conclusions of law and his recommendations. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.
- d) Final Board Order
 - 1) The Board shall review the entire record and shall render a written order including the bases for its decision.
 - 2) Copies of the final Board order shall be served on petitioner by personal delivery, certified mail or overnight express mail to petitioner's last known address.
 - 3) A final board order shall become effective upon personal delivery to a party or upon posting by certified or overnight express mail to petitioner's last known address.

**Section 1800.695 Status of Applicant for Licensure Upon Filing Request for Hearing
EMERGENCY**

An applicant who has been denied a license and who has requested a hearing under this Subpart shall be considered an applicant for purposes of compliance with applicable statutory provisions and this Part until final resolution of the request for hearing.

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

**Section 1800.710 Coverage of Subpart
EMERGENCY**

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

The rules contained in this Subpart shall govern all disciplinary actions against licensees including but not limited to suspension and revocation of a license.

**Section 1800.715 Notice of Proposed Disciplinary Action Against Licensees
EMERGENCY**

- a) When notified of facts sufficient to support disciplinary action against a licensee or a person with significant influence or control, the Administrator shall immediately notify the Board and the licensee of the proposed disciplinary action. The notice shall advise the licensee of the following:
 - 1) A statement of the facts supporting the proposed disciplinary action;
 - 2) A description of the rule or statutory section the licensee has violated;
 - 3) A statement or description of the matters asserted and the consequences of the failure to respond;
 - 4) The name and mailing address of the Illinois Gaming Board.
- b) The Administrator shall serve the notice of proposed disciplinary action on the licensee by personal service or U.S. certified mail and U.S. regular mail to the last known address of the licensee. Service is complete four days after mailing.

**Section 1800.720 Hearings in Disciplinary Actions
EMERGENCY**

- a) Should a licensee wish to contest the proposed disciplinary action, the licensee must submit a response to the notice of proposed disciplinary action described in Section 1800.715 to the Administrator.
- b) All responses shall be in writing and shall include an original and one copy. The response shall contain the following:
 - 1) The name, current address and current telephone number of the licensee;
 - 2) A clear and concise statement admitting or denying each of the factual allegations set forth in the notice of proposed disciplinary action, with each admission or denial being shown in separately numbered paragraphs

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

corresponding to the separately numbered paragraphs in the notice of proposed disciplinary action;

- 3) For all factual allegations that the licensee denies, a clear and concise statement of facts upon which the licensee relies or will rely on at a hearing;
 - 4) A signature of the licensee;
 - 5) A verification of the licensee in the following form:
"The undersigned certifies that the statements set forth in this request are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he or she verily believes the same to be true.";
 - 6) The response must be notarized.
- c) The response must be filed within 21 days of receipt of the notice of proposed disciplinary action. A response shall be deemed filed on the date on which it is postmarked.
 - d) If a response is not filed within 21 days of receipt of the notice of proposed disciplinary action then the proposed disciplinary action becomes effective and final immediately.
 - e) No response shall be deemed filed if it fails to comply with any of the requirements of this Section.
 - f) The licensee may submit a response by:
 - 1) personal delivery;
 - 2) certified mail, postage prepaid; or
 - 3) overnight express mail, postage prepaid.
 - g) All responses must be submitted to the Administrator at the Board's offices in Chicago.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

- h) If a response is properly filed, an Administrative Law Judge will be appointed to conduct a hearing.

**Section 1800.725 Appearances
EMERGENCY**

- a) All licensees may be represented by an attorney who is licensed to practice in Illinois. All attorneys who appear in a representative capacity on behalf of a licensee must file a written appearance setting forth:
 - 1) The name, address and telephone number of the attorney;
 - 2) The name and address of the licensee the attorney represents; and
 - 3) An affirmative statement that the attorney is licensed to practice in Illinois.
- b) Only individual attorneys may file appearances. Any licensee's attorney who has not filed an appearance may not address the Administrative Law Judge or sign pleadings.
- c) An attorney may only withdraw his appearance upon written notice to the Administrative Law Judge.
- d) An individual may appear on his own behalf.
- e) A partner may appear on behalf of a partnership.
- f) A corporation and a limited liability company must be represented by an attorney.

**Section 1800.730 Appointment of Administrative Law Judge
EMERGENCY**

- a) The Chairman of the Board may provide for or appoint a Board member or an attorney admitted to the practice of law by, and in good standing with, the Illinois Supreme Court as an Administrative Law Judge to conduct a hearing in accordance with this Subpart. If designated, the Administrator may provide for the appointment of an Administrative Law Judge to conduct a hearing in accordance with this Subpart. The licensee will be copied on the letter of appointment and such letter will serve as notice of the pendency of the hearing.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

The Administrative Law Judge shall establish a status date and notify the parties thereof.

- b) If the licensee believes the Administrative Law Judge is biased or has a conflict of interest, the licensee may file with the Board a motion to disqualify the Administrative Law Judge from conducting the hearing. The motion must be in writing, accompanied by an affidavit signed and dated by the licensee setting forth the specific grounds for disqualification. The licensee shall serve a copy of the motion on the Administrative Law Judge. Prior adverse rulings against the licensee or its attorney in other matters shall not, in and of themselves, constitute grounds for disqualification. On satisfactory evidence submitted by the licensee in support of the motion to disqualify, the Board shall remove the Administrative Law Judge and provide for the reassignment of the case to another Administrative Law Judge to continue the hearing. Any Administrative Law Judge may voluntarily disqualify himself upon determining that bias or conflict of interest exists. Grounds for disqualification of Administrative Law Judge shall include but not be limited to:
- 1) Financial interest or pecuniary benefit derived from the gaming industry;
 - 2) Personal friendship with any of the parties, witnesses or attorneys involved;
 - 3) Past representation of any of the parties or witnesses involved; or
 - 4) Demonstrable pre-disposition on the issues.
- c) If the motion to disqualify an Administrative Law Judge is denied, the Board shall set forth in writing the reasons for the denial and the Administrative Law Judge will proceed with the hearing. The motion to disqualify the Administrative Law Judge and the reasons for the denial of the motion will be part of the administrative record in the appeal of a final administrative decision upon conclusion of the hearing.

**Section 1800.735 Discovery
EMERGENCY**

- a) Upon written request served on the opposing party, a party shall be entitled to:

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

- 1) The name and address of any witness who may be reasonably expected to testify on behalf of the opposing party;
 - 2) All documents or other materials in the possession or control of the opposing party which the opposing party reasonably expects will be necessary to introduce into evidence. The licensee's burden of production includes those documents the licensee reasonably expects to introduce into evidence either in his case-in-chief or in rebuttal. Rebuttal documents, to the extent that they are not immediately identifiable, shall be tendered to the Board within 14 days after receipt of documents tendered to petitioner by the Board unless additional time is granted by the Administrative Law Judge.
- b) Discovery may be obtained only through written requests to produce witness lists, documents or other materials, as specified in subsection (a) of this Section. Witnesses and documents responsive to a proper request for production that were not produced shall be excluded from the hearing and additional sanctions or penalties may be imposed.

**Section 1800.740 Subpoenas
EMERGENCY**

- a) Subpoenas for the attendance of witnesses at hearing may be served by the licensee only upon application to the Administrative Law Judge.
- 1) The licensee must show good cause, state the testimony to be elicited from a witness, state why the evidence to which the testimony relates cannot otherwise be obtained, and state the reasons why the testimony is necessary and relevant.
 - 2) An agent or employee of the Board may not be required by the licensee to appear except under the procedures provided in this Section.
- b) The General Counsel of the Board or the Administrator may issue subpoenas for the attendance of witnesses or subpoenas duces tecum for the production of relevant documents, records or other material at a proceeding conducted under this Subpart G.

Section 1800.745 Motions for Summary Judgment

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

EMERGENCY

The Administrative Law Judge may recommend the granting or denial of a summary judgment motion upon the filing of an appropriate motion by any party. A recommendation for denial of a summary judgment motion shall not be considered by the Board until the completion of the proceedings pursuant to Section 1800.750.

Section 1800.750 Proceedings**EMERGENCY**

- a) All testimony shall be given under oath or affirmation.
- b) Both parties may present opening statements. The Board will proceed first.
- c) The Board shall then present its case. The Board shall establish the charges contained in the notice of proposed disciplinary action by a preponderance of the evidence.
- d) Upon the conclusion of the Board's case, the licensee may move for a directed finding. The Administrative Law Judge may hear arguments on the motion or may grant, deny or reserve decision thereon, without argument.
- e) If no motion for directed finding is made, or if such motion is denied or decision reserved thereon, the licensee may present its case.
- f) The licensee bears the burden of rebutting the charges contained in the notice of proposed disciplinary action by clear and convincing evidence.
- g) Each party may conduct cross-examination of adverse witnesses.
- h) Upon the conclusion of the licensee's case, the Board may present evidence in rebuttal.
- i) If the Board presents rebuttal evidence, the licensee may present additional, non-cumulative, evidence in surrebuttal.
- j) Both parties may present closing arguments. The licensee proceeds first, then the Board and thereafter the licensee may present rebuttal argument.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

**Section 1800.760 Evidence
EMERGENCY**

- a) The hearing need not be conducted according to the technical rules of evidence. Any relevant evidence may be admitted and shall be sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action. Hearsay may support a finding of the Administrative Law Judge if it is the best evidence available, has sufficient indicia of trustworthiness and reliability and is of the type reasonably and customarily relied on in the gaming industry.
 - 1) If relevant, and not precluded from the hearing by Section 6(d) of the Riverboat Gambling Act relating to all licensed applicants, the official Illinois Gaming Board records or certified copies thereof shall be admissible into evidence if such records tend to prove or disprove an allegation contained in the complaint;
 - 2) Official Illinois Gaming Board records are documents either prepared by or provided to the Board for the purpose of conducting its regular business.
- b) The parties should, to the fullest extent possible, stipulate to all matters which are not or fairly should not be in dispute.
- c) The parties may make objections to evidentiary offers. When an objection is made, the Administrative Law Judge may receive the disputed evidence subject to a ruling at a later time.
- d) The Administrative Law Judge may take official notice of any generally accepted information or technical or scientific matter within the field of video gaming, and any other fact which may be judicially noticed by courts of this State. The parties shall be informed of any information, matter or facts so noticed, including any staff memoranda or data, and shall be given reasonable opportunity to refute such information.

**Section 1800.770 Prohibition on Ex Parte Communication
EMERGENCY**

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

No party or its representative shall communicate directly or indirectly with the Administrative Law Judge or a member of the Illinois Gaming Board regarding any pending disciplinary matter, except upon notice to and opportunity for all parties to participate.

Section 1800.780 Sanctions and Penalties
EMERGENCY

- a) The Administrative Law Judge may impose sanctions and penalties if the Administrative Law Judge finds that a party has acted in bad faith, for the purpose of delay, or has otherwise abused the hearing process. Such sanctions and penalties include but are not limited to default judgment or directed finding on one or more issues.
- b) If a licensee fails to testify on his own behalf with respect to any question propounded to him, the Administrative Law Judge may infer therefrom that such testimony or answer would have been adverse to the licensee's case.
- c) Failure of a licensee to appear at a hearing or scheduled proceeding shall constitute an admission of all matters and facts contained in the complaint. In such cases the Administrative Law Judge may take action based upon such admission or upon any other evidence, including affidavits, without any further notice to the licensee.

Section 1800.790 Transmittal of Record and Recommendation to the Board
EMERGENCY

- a) The record shall consist of the following:
 - 1) The notice of proposed disciplinary action, the response and all motions and rulings thereon;
 - 2) All evidence received;
 - 3) A statement of matters officially noticed;
 - 4) Offers of proof, objections and rulings thereon;

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

- 5) The recommendation and any findings of fact and conclusions of law made by the Administrative Law Judge.
- b) Oral proceedings or any part thereof involving contested issues shall be recorded stenographically or by such other means as to adequately insure the preservation of such testimony or oral proceedings and shall be transcribed on request of any party. Said transcript shall be paid for by the requesting party.
- c) Upon conclusion of the hearing the Administrative Law Judge shall issue to the Board written findings of fact and conclusions of law and his recommendations. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.
- d) Final Board Order
 - 1) The Board shall review the entire record and shall render a written order including the bases for its decision.
 - 2) Copies of the final Board order shall be served on the licensee by personal delivery, certified mail or overnight express mail to the licensee's last known address.
 - 3) A final board order shall become effective upon personal delivery to a party or upon posting by certified or overnight express mail to the party's last known address.

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN LICENSED
VIDEO GAMING LOCATIONS**Section 1800.810 Location and Placement of Video Gaming Terminals
EMERGENCY**

- a) All licensed video gaming locations and terminal operators shall be responsible for the proper placement, installation, maintenance and oversight of video gaming terminals within a licensed video gaming location as prescribed by the Act and this Part.
- b) All video gaming terminals must be located in an area restricted to persons over 21 years of age. Any licensed video gaming location which allows minors to

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY RULES

enter where video gaming terminals are located shall separate any video gaming terminals from the area accessible by minors.

- c) All video gaming terminals must be located in those areas of a licensed video gaming location with restricted visibility from areas outside of the business.
- d) When two or more adjacent businesses appear to the Administrator to be a single business, or are operated by the same or commingled ownership, then the Administrator may limit such businesses to the maximum number of video gaming terminals permitted under Illinois law for one business as the total number of video gaming terminals authorized for both or more such businesses, where the Administrator determines that such limitation would further the intent of the Act and the integrity of video gaming in the State of Illinois.
 - 1) In the event the Administrator decides that two or more adjacent businesses shall be a single business for purposes of determining the maximum number of video gaming terminals to which they are entitled, the Administrator shall provide the affected businesses with written notice of this decision in accordance with the notice requirements of Section 1800.615 of this Part.
 - 2) An applicant that has been deemed to constitute a single business with one or more adjacent businesses for purposes of determining the maximum number of video gaming terminals to which it is entitled may submit a request for hearing to the Board. The hearing procedures shall be those set forth in Subpart F of this Part.
- e) The owner, manager, or employee of the licensed video gaming location who is over 21 years of age shall be present during all hours of operation, and the video gaming terminals or the entrance to the video gaming terminal area must be within the view of at least one such owner, manager, or employee.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Medical Payment

Code Citation: 89 Ill. Adm. Code 140

Section Number: 140.425

Date Originally Published in the Illinois Register: 4/10/09
33 Ill. Reg. 5178

At its meeting on October 14, 2009, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that the Department of Healthcare and Family Services update its rules to create policy before it implements that policy. HFS has been implementing its proposed policy covering routine foot care for diabetics and persons with circulatory/nerve conditions at least since 2003 under its Handbook for Podiatric Services.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF AGENCY RESPONSE TO AN OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Dam Safety Requirements
- 2) Code Citation: 17 Ill. Adm. Code 3703
- 3) Section Numbers:
3703.10
3703.20
3703.30
3703.40
3703.50
3703.60
3703.70
3703.80
3703.APPENDIX A
3703.APPENDIX B
- 4) Date Notice of Proposed Rules Published in the Register: September 5, 2008; 32 Ill. Reg. 14445
- 5) Date JCAR Statement of Objection and Filing Prohibition Published in the Register: July 31, 2009; 33 Ill. Reg. 11359
- 6) Summary of Action Taken by the Agency: At their meeting on July 14, 2009, the Joint Committee on Administrative Rules voted to object to the above-proposed rulemaking and prohibited its filing with the Secretary of State's Office. The reason for the Objection and Prohibition are as follows:

The rulemaking poses a threat to the public interest by imposing significant costs on public landowners, imposing costs and property right restrictions on private landowners not specifically authorized by statute, greatly restricting recreational uses of some public waterways, and potentially exposing public and private landowners to increased legal liabilities.

In response to this Objection and Filing Prohibition, Department staff agrees to work with the Joint Committee on Administrative Rules' staff to draft a rule which is mutually acceptable to both parties. Modifications to the rulemaking will include reducing exclusion zones to 100 feet upstream, which will avoid most portages; reducing signage requirements and eliminating all signs except those located on dam abutments. The draft

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF AGENCY RESPONSE TO AN OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

modifications must be approved by JCAR and the Filing Prohibition withdrawn before the revised text of this rulemaking can be adopted in the *Illinois Register*.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 13, 2009 through October 19, 2009 and have been scheduled for review by the Committee at its November 17, 2009 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
11/29/09	<u>Department of Transportation</u> , Airport Hazard Zoning (92 Ill. Adm. Code 16)	8/28/09 33 Ill. Reg. 12100	11/17/09
11/29/09	<u>Department of Transportation</u> , Greater Rockford Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 47)	8/28/09 33 Ill. Reg. 12108	11/17/09
11/29/09	<u>Department of Transportation</u> , Greenville Airport Zoning Regulations (Repealer) (92 Ill. Adm. Code 48)	8/28/09 33 Ill. Reg. 12131	11/17/09
11/29/09	<u>Department of Transportation</u> , Metropolis Municipal Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 66)	8/28/09 33 Ill. Reg. 12145	11/17/09
11/29/09	<u>Department of Transportation</u> , Pittsfield-Penstone Municipal Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 74)	8/28/09 33 Ill. Reg. 12164	11/17/09
11/29/09	<u>Department of Transportation</u> , Sparta Community Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 82)	8/28/09 33 Ill. Reg. 12183	11/17/09
11/29/09	<u>Department of Transportation</u> , Vermilion	8/28/09	11/17/09

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

County Airport Hazard Zoning Regulations
(Repealer) (92 Ill. Adm. Code 90)

33 Ill. Reg.
12202

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/7.2(b)

Section 22.4(a) of the Environmental Protection Act (Act) [415 ILCS 5/22.4(a)] requires the Board to adopt regulations that are “identical in substance” to U.S. Environmental Protection Agency (USEPA) hazardous waste rules adopted to implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6921 *et seq.* (2008)). These rules are contained in 35 Ill. Adm. Code 701 through 705, 720 through 728, 733, and 739.

Section 7.2(a) of the Act [415 ILCS 5/7.2(a)] requires the Board to complete its identical-in-substance rulemaking actions within one year after the date of the USEPA action on which they are based. Section 7.2(b) [415 ILCS 5/7.2(b)] allows the Board to extend the deadline for adoption by publication of a notice of reason for delay in the *Illinois Register*.

By an order dated October 15, 2009, the Board consolidated dockets R09-16 and R10-4, in order to expedite consideration of all of the amendments. By that order, the Board also set forth reasons for delay and extended the deadline for final action on the amendments from October 30, 2009 to April 15, 2010.

REASONS FOR DELAY AND EXTENSION OF DEADLINE

The due date for this proceeding was based on the earliest federal amendments included in this rulemaking, the October 30, 2008 amendments to the Definition of Solid Waste Rule. Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2008)). The due date for filing the completed amendments is one year from that date, so the Board must file the amendments with the Office of the Secretary of State before October 30, 2009. To accomplish this deadline, the Board would have had to adhere to the following schedule of intermediate occurrences:

Due date:	October 30, 2009
Date of Board vote to propose amendments:	June 18, 2009
Submission for <i>Illinois Register</i> publication:	June 29, 2009
Probable <i>Illinois Register</i> publication date:	July 10, 2009
Probable End of 45-day public comment period:	August 24, 2009
Date of Board vote to adopt amendments:	September 17, 2009
End of 30-day hold period for USEPA review:	October 17, 2009
Probable filing and effective date:	October 26, 2009
Probable <i>Illinois Register</i> publication date:	November 9, 2009

The Board has been developing a proposal for public comment in this matter, and more time than the Board estimated is necessary to complete that

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/7.2(b)

proposal. Due to the volume and complexity of the amendments involved in this consolidated update docket, the Board has not yet completed the proposal. The October 30, 2008 amendments to the Definition of Solid Waste Rule involved incorporation of a new administrative determination and four new self-implementing exclusions from the definition of solid waste into the Illinois regulations. This has required extensive examination of the existing rules, as well as the new provisions and the addition of a voluminous new body of financial assurance requirements to the regulations. Also, the December 19, 2008 amendments to the excluded fuels rule involved incorporation of what is essentially an extensive new provision to the regulations. Similarly, the December 1, 2008 adoption of alternative generator requirements for eligible academic entities adds a new subpart to the hazardous waste generator standards.

Further, delay will allow the Board to consolidate the R09-16 and R10-4 dockets, in order to more promptly deal with the USEPA amendments of June 25, 2009 that will be the subject of docket R10-4.

For the foregoing reasons, the Board finds that delay was unavoidable and an extension of the deadline for completion of these amendments is necessary until April 15, 2010. To fulfill this deadline, the Board must adhere to the following schedule of intermediate occurrences:

Due date:	January 15, 2009
Date of Board vote to propose amendments:	December 3, 2009
Submission for <i>Illinois Register</i> publication:	December 15, 2009
Probable <i>Illinois Register</i> publication date:	December 26, 2009
Probable End of 45-day public comment period:	February 9, 2010
Date of Board vote to adopt amendments:	February 18, 2010
End of 30-day hold period for USEPA review:	March 18, 2010
Probable filing and effective date:	March 23, 2010

At present, the Board plans to vote to adopt amendments based on the proposal for public comment at the regularly scheduled Board meeting of November 19, 2009 or December 3, 2009. After receiving public comments on the amendments, the earliest date for Board adoption of the amendments will be February 4, 2010 or February 18, 2010. After holding the amendments for 30 days after adoption to allow USEPA to review them before they are filed, the earliest date for filing the amendments with the Office of the Secretary of State will be March 9, 2010 or March 23, 2010. However, to accommodate the

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/7.2(b)

unanticipated possibility for further delay, the Board will extend the deadline for final action until April 15, 2010, which would allow the Board to vote to amend the amendments as late as the regularly-scheduled meeting of March 4, 2010.

The Board hereby extends the deadline for completion of this rulemaking under Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2008)). The Board also directs staff to cause publication of a Notice of Public Information on Proposed Rules in the *Illinois Register*, based on this order, that sets forth reasons for delay and extends the due date for this proceeding.

Direct inquiries as follows, referencing consolidated docket R09-16/R10-4:

Michael J. McCambridge, Staff Attorney
Illinois Pollution Control Board
312-814-6924 or mccambm@ipcb.state.il.us

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

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

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1

2. Summary of information:

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

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

Computer Software	Medical Appliances
Construction Contractors	Miscellaneous
Delivery Charges	Motor Vehicles
Exempt Organizations	Nexus
Farm Machinery & Equipment	Sale at Retail
Food	Sale for Resale
Food, Drugs & Medical Appliances	Sale of Service
Leasing	Service Occupation Tax
Manufacturing Machinery & Equipment	Telecommunications Excise Tax
	Use Tax

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50¢ per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.tax.illinois.gov/.

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

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

Marie Keeney
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794

217/782-2844

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

COMPUTER SOFTWARE

ST 09-0103-GIL 08/03/2009 Canned computer software is considered taxable tangible personal property regardless of the form in which it is transferred or transmitted, including tape, disc, card, electronic means or other media. See 86 Ill. Adm. Code 130.1935.

ST 09-0104-GIL 08/03/2009 Canned computer software is considered taxable tangible personal property regardless of the form in which it is transferred or transmitted, including tape, disc, card, electronic means or other media. See 86 Ill. Adm. Code 130.1935.

CONSTRUCTION CONTRACTORS

ST 09-0124-GIL 09/09/2009 Construction contractors who physically incorporate tangible personal property into real estate owned by exempt organizations or governmental entities that hold tax exempt "E" numbers can purchase such property tax free by providing their suppliers with the certification described in 86 Ill. Adm. Code 130.2075(d). See 86 Ill. Adm. Code Section 130.2075.

DELIVERY CHARGES

ST 09-0100-GIL 07/31/2009 The Department's regulation on the treatment of transportation and delivery charges under the Retailers' Occupation Tax Act may be found at 86 Ill. Adm. Code 130.415.

EXEMPT ORGANIZATIONS

ST 09-0095-GIL 07/08/2009 Organizations possessing "E" numbers issued by the Department are exempt on purchases used in furtherance of organizational purposes. See 86 Ill. Adm. Code 130.2007.

FARM MACHINERY & EQUIPMENT

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

ST 09-0126-GIL 09/28/2009 A helicopter used primarily in production agriculture may qualify for the farm machinery and equipment exemption. See 86 Ill. Adm. Code 130.305.

FOOD

ST 09-0116-GIL 09/02/2009 The new definition of "soft drinks" that is effective September 1, 2009 does not include beverage powders or fruit flavored soft drink mix concentrates. See 35 ILCS 120/2-10.

FOOD, DRUGS & MEDICAL APPLIANCES

ST 09-0110-GIL 08/26/2009 This letter concerns the low 1% State rate of tax applicable to food, drugs and medical appliances. See 86 Ill. Adm. Code 130.310.

ST 09-0115-GIL 08/31/2009 This letter discusses tax on food, drugs and medical appliances. See 86 Ill. Adm. Code 130.310.

LEASING

ST 09-0102-GIL 07/31/2009 For Retailers' Occupation Tax and Use Tax liability purposes, there are two types of leasing situations: conditional sales and true leases. See 86 Ill. Adm. Code 130.2010.

ST 09-0106-GIL 08/10/2009 Lessors of tangible personal property under true leases in Illinois are deemed end users of the property to be leased. As end users of tangible personal property located in Illinois, lessors owe Use Tax on their cost price of such property. See 86 Ill. Adm. Code 130.220 and 130.2010.

ST 09-0109-GIL 08/24/2009 Except as provided in 86 Ill. Adm. Code 130.2011 and 130.2012, lessors incur Use Tax even if the tangible personal property is leased to an exempt entity that has been issued an exemption identification number. See 86 Ill. Adm. Code 130.2011 and 130.2012.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

ST 09-0119-GIL 09/03/2009 For Retailers' Occupation Tax and Use Tax liability purposes, there are two types of leasing situations: conditional sales and true leases. See 86 Ill. Adm. Code 130.2010.

MANUFACTURING MACHINERY & EQUIPMENT

ST 09-0092-GIL 07/06/2009 Tangible personal property that merely "stores/houses" items until they are needed in a manufacturing process does not qualify for the Manufacturing Machinery and Equipment Exemption. See 86 Ill. Adm. Code 130.330.

ST 09-0101-GIL 07/31/2009 Under the Retailers' Occupation Tax Act, the manufacturing machinery and equipment exemption extends to machinery and equipment that is used primarily (over 50% of the time) in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. See 86 Ill. Adm. Code 130.330.

ST 09-0112-GIL 08/31/2009 Under the Retailers' Occupation Tax Act, the manufacturing machinery and equipment exemption extends to machinery and equipment that is used primarily (over 50% of the time) in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. See 86 Ill. Adm. Code 130.330.

ST 09-0131-GIL 09/29/2009 Under the Retailers' Occupation Tax Act, the manufacturing machinery and equipment exemption extends to machinery and equipment that is used primarily (over 50% of the time) in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. See 86 Ill. Adm. Code 130.330.

MEDICAL APPLIANCES

ST 09-0108-GIL 08/21/2009 Medicines and medical appliances are not taxed at the general State rate of 6.25%. These items are taxed at a lower State rate of 1%. See 86 Ill. Adm. Code 130.310.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

ST 09-0122-GIL 09/08/2009 A medical appliance is defined as an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.310(c).

ST 09-0132-GIL 09/30/2009 A medical appliance is defined as an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.310(c).

MISCELLANEOUS

ST 09-0098-GIL 07/30/2009 This letter responds to an annual survey. See 86 Ill. Adm. Code Parts 130, 140, 150 and 271.

ST 09-0105-GIL 08/03/2009 This letter provides general information on sales taxes. See 86 Ill. Adm. Code 130.101, 150.101, and 140.101 through 140-109.

ST 09-0111-GIL 08/31/2009 Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers is exempt from Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.321.

ST 09-0114-GIL 08/31/2009 The Department will not approve the accuracy of private legal publications.

MOTOR VEHICLES

ST 09-0128-GIL 09/28/2009 With regard to modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, the tax is imposed at the rate of 1%. See 86 Ill. Adm. Code 130.310(e).

NEXUS

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

ST 09-0121-GIL 09/07/2009 This letter discusses nexus. See Quill Corp. v. North Dakota, 112 S.Ct. 1904 (1992).

ST 09-0130-GIL 09/29/2009 This letter discusses nexus. See Quill Corp. v. North Dakota, 112 S.Ct. 1904 (1992).

SALE AT RETAIL

ST 09-0096-GIL 07/10/2009 Persons selling tangible personal property at retail are required to register with the Department prior to making sales at retail. See 86 Ill. Adm. Code 130.701.

ST 09-0125-GIL 09/28/2009 A funeral director is engaged in the business of selling tangible personal property to purchasers for use or consumption when he sells such items of tangible personal property as caskets, grave vaults, grave clothing and flowers to purchasers for use or consumption, and he is required to remit Retailers' Occupation Tax to the Department on his gross receipts from such sales. See, 86 Ill. Adm. Code 130.2130

SALE FOR RESALE

ST 09-0094-GIL 07/07/2009 Purchases of packaging materials may be purchased tax free for resale as long as they are transferred along with the products contained in them to customers. See 86 Ill. Adm. Code 130.2070(b).

SALE OF SERVICE

ST 09-0093-GIL 07/07/2009 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred as an incident to sales of service. See 86 Ill. Adm. Code 140.101.

SERVICE OCCUPATION TAX

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

- ST 09-0097-GIL 07/23/2009 This letter concerns tax imposed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code Part 140.
- ST 09-0113-GIL 08/31/2009 If tangible personal property is transferred incident to sales of service, this will result in either Service Occupation tax liability or Use Tax liability for the serviceman depending upon his or her activities. See 86 Ill. Adm. Code 140.101.
- ST 09-0120-GIL 09/03/2009 This letter concerns tax imposed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code Part 140.
- ST 09-0123-GIL 09/09/2009 Under the Service Occupation Tax Act, businesses providing services (*i.e.* servicemen) are taxed on tangible personal property transferred as an incident to sales of service. See 86 Ill. Adm. Code 140.101.
- ST 09-0127-GIL 09/28/2009 This letter concerns tax imposed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code Part 140.
- ST 09-0129-GIL 09/29/2009 If no tangible personal property is transferred to the customer, then no Illinois Retailers' Occupation Tax or Service Occupation Tax would apply. See 86 Ill. Adm. Code Parts 130 and 140.

TELECOMMUNICATIONS EXCISE TAX

- ST 09-0107-GIL 08/20/2009 The Telecommunications Excise Tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications in Illinois at the rate of 7% of the gross charges for such telecommunications purchased at retail from retailers. See 86 Ill. Adm. Code 495.

USE TAX

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

- ST 09-0099-GIL 07/30/2009 Citizens of foreign countries are not exempt from Use Tax liability for purchases of merchandise at retail within the State of Illinois. See 86 Ill. Adm. Code 130.605.
- ST 09-0117-GIL 09/03/2009 In order to prevent actual or likely multi-state taxation, the Use Tax does not apply to the use of tangible personal property in this State 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. See 86 Ill. Adm. Code 150.310.
- ST 09-0118-GIL 09/03/2009 By giving away tangible personal property in Illinois, the donor makes a taxable use of the property and is subject to Use Tax on the cost price of the property purchased to be given away. See 86 Ill. Adm. Code 150.305(c).

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2009 THIRD QUARTER INCOME TAX SUNSHINE INDEX

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

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1 et seq.

2. Summary of information:

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

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

Apportionment – Sales Factor

Base Income

Credits – Foreign Tax

Net Income (Loss) and Net Loss Deduction

Net Operating Loss and Net Operating Loss Deduction

Public Law 86-272/Nexus

Refunds – Statutes of Limitations

Residency/Nonresidency

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2009 THIRD QUARTER INCOME TAX SUNSHINE INDEX

Subtraction Modifications – Qualified Pension Plans
Subtraction Modifications – Other Rulings
Withholding

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50 cents per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.tax.illinois.gov.

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

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

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

217/782-7055

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2009 THIRD QUARTER INCOME TAX SUNSHINE INDEX

APPORTIONMENT – SALES FACTOR

IT 09-0033-GIL 09/28/2009 Business gain on the sale of stock by a person other than a trader in that stock is sourced to Illinois using the income-producing activity test.

BASE INCOME

IT 09-0026-GIL 08/07/2009 Individual who was required to include income from Madoff Investments in federal adjusted gross income in years prior to 2008, and who is entitled to a federal itemized deduction for theft loss from the investment in 2008, must include the income in Illinois base income in the prior years and is not entitled to deduct the theft loss in computing base income in 2008.

CREDITS – FOREIGN TAX

IT 09-0020-GIL 07/09/2009 Correct computation of income taxed by both Illinois and Iowa explained.

NET INCOME (LOSS) AND NET LOSS DEDUCTION

IT 09-0028-GIL 09/09/2009 Reduction in Illinois net losses resulting from discharge of indebtedness explained.

IT 09-0030-GIL 09/16/2009 If a federal change for a taxable year is final, it is binding for Illinois income tax purposes even if it has no effect on Illinois income tax except to increase the net loss reportable for the taxable year.

IT 09-0032-GIL 09/23/2009 The Illinois Income Tax Act does not incorporate the limitations on the use of net loss carryover deductions of an acquired corporation contained in IRC Section 381(c).

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2009 THIRD QUARTER INCOME TAX SUNSHINE INDEX

NET OPERATING LOSS AND NET OPERATING LOSS DEDUCTION

IT 09-0027-GIL 08/21/2009 Trust created and funded by another trust, which had incurred Illinois net losses in prior years, is not entitled to deductions for the carryforward of the losses of that other trust.

PUBLIC LAW 86-272/NEXUS

IT 09-0023-GIL 07/30/2009 Missionary sales activities by employees of the taxpayer for which the taxpayer is paid by its customer are sales of service by the taxpayer and are not protected by Public Law 86-272.

REFUNDS – STATUTES OF LIMITATIONS

IT 09-0025-GIL 08/04/2009 A report of a change to a trust's federal taxable income must be filed within 120 days after the change becomes final, and a refund claim based on that change may be filed at any time within 2 years after the date the report is due.

RESIDENCY/NONRESIDENCY

IT 09-0024-GIL 08/03/2009 Taxpayer domiciled in Illinois continues to be domiciled in Illinois during a temporary absence.

IT 09-0029-GIL 09/11/2009 Residency determinations are not proper subjects for letter rulings.

IT 09-0034-GIL 09/30/2009 Response to various residency questions in survey of state laws.

SUBTRACTION MODIFICATIONS – QUALIFIED PENSION PLANS

IT 09-0031-GIL 09/17/2009 All income from pension plans of a governmental agency

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2009 THIRD QUARTER INCOME TAX SUNSHINE INDEX

or unit may be subtracted, whether or not the pension qualifies under IRC Section 457.

SUBTRACTION MODIFICATIONS – OTHER RULINGS

IT 09-0021-GIL 07/10/2009 The Northwest Ordinance does not require or allow the subtraction of income attributable to transportation on the Great Lakes from base income.

IT 09-0022-GIL 07/24/2009 IITA Section 203(c)(3) permits the subtraction from base income of municipal bond interest deemed distributed to a charity under IRC Section 642(c).

WITHHOLDING

IT 09-0001-PLR 08/25/2009 No withholding is required from compensation paid to a nonresident employee whose base of operations is outside Illinois.

PROCLAMATIONS

2009-297**GUBERNATORIAL PROCLAMATION**

The presence of the H1N1 influenza virus has been confirmed in the State of Illinois. Thus, it is critical that State agencies and local governments prepare for and attempt to prevent further spread of the H1N1 influenza virus. The State will receive its first allotment of the H1N1 influenza vaccine this month. The swift and efficient administration of this vaccine, beginning with the priority groups identified by the Centers for Disease Control and Prevention, is necessary to combat and prevent the spread of the H1N1 influenza virus and to protect the public health.

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

This gubernatorial proclamation will assist the Illinois Emergency Management Agency and the Illinois Department of Public Health in coordinating State efforts in response to the H1N1 influenza virus, including the modification of scopes of practice for occupations with training to give vaccinations.

Date: October 14, 2009

Filed: October 14, 2009

PROCLAMATIONS

2009-298**Pain Awareness Month**

WHEREAS, physical pain caused by a variety of diseases and disorders affects tens of millions of Americans every year; and

WHEREAS, medical technology can help relieve and reduce most pain, yet many who suffer from pain are inadequately treated or not treated at all due to barriers to access to appropriate and effective pain care; and

WHEREAS, pain takes an economic toll on our country, costing billions of dollars each year in medical expenses, lost wages, reduced productivity, and other related costs; and

WHEREAS, improved pain management education and an effective multi-disciplinary treatment approach can help reduce suffering and remove barriers to pain-free living; and

WHEREAS, the Power Over Pain Action Network exists to advocate for people experiencing pain by increasing awareness and promoting access to appropriate pain treatment; and

WHEREAS, as part of the Power Over Pain campaign, during the month of September community events throughout Illinois will educate medical professionals and the public about the under-treatment of pain, inadequate access to pain care, and barriers to pain management:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 2009 as **PAIN AWARENESS MONTH** in Illinois, in support efforts to improve and promote the management and treatment of pain.

Issued by the Governor September 30, 2009

Filed by the Secretary of State October 16, 2009

2009-299**Choate Mental Health and Developmental Center's 140th Anniversary Celebration**

WHEREAS, this year Choate Mental Health and Developmental Center will proudly celebrate 140 years of continuous service to the citizens of Illinois; and

WHEREAS, since being commissioned in 1869, thousands of the ill and infirm have found treatment, care, or a home at the facility in Anna, Illinois; and

PROCLAMATIONS

WHEREAS, Choate Mental Health and Developmental Center is proud of their long history of providing high standard care to persons with mental and developmental disabilities; and

WHEREAS, Choate Mental Health and Developmental Center continues to take an innovative approach to their facilities and their services in order to improve the quality of life for residents and create an environment conducive to treatment and therapy; and

WHEREAS, since 1869, past and present staff members of Choate Mental Health and Developmental Center have dedicated themselves to providing quality care to their residents and to making positive contributions to the community:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 9-11, 2009 as the kick-off weekend for **CHOATE MENTAL HEALTH AND DEVELOPMENTAL CENTER'S 140th ANNIVERSARY CELEBRATION**.

Issued by the Governor October 1, 2009

Filed by the Secretary of State October 16, 2009

2009-300**Chicago International Film Festival Days**

WHEREAS, 2009 marks the 45th Anniversary of the Chicago International Film Festival presented by Cinema/Chicago; and

WHEREAS, Cinema/Chicago is a year-round cultural and educational organization dedicated to fostering better communication between people of diverse cultures through the art of film and the moving image; and

WHEREAS, the Chicago International Film Festival is the oldest competitive international film festival in the United States; and

WHEREAS, each year, Cinema/Chicago produces the two-week Festival in October, screening more than 150 of the best films of all genres from 45 countries; and

WHEREAS, reflecting Chicago's rich cultural and ethnic diversity, the Chicago International Film Festival features programs that engage a broad cross-section of the city's population; and

PROCLAMATIONS

WHEREAS, the Festival not only serves to share some of the most anticipated films from around the world, but also spotlights Illinois' status as a second to none filmmaking state, showcasing the best features, documentaries, and short films with their roots in the Land of Lincoln; and

WHEREAS, a world-class film destination, the State of Illinois is proud that the film industry continues to contribute richly to our economy by attracting businesses and providing thousands of job opportunities for Illinoisans; and

WHEREAS, this year, Cinema/Chicago will celebrate the Chicago International Film Festival from October 8th to October 22nd;

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 8-22, 2009 as **CHICAGO INTERNATIONAL FILM FESTIVAL DAYS** in Illinois in celebration of Cinema/Chicago's 45th Anniversary Edition of the Chicago International Film Festival.

Issued by the Governor October 8, 2009

Filed by the Secretary of State October 16, 2009

2009-301**Sudden Infant Death Syndrome Awareness Month**

WHEREAS, Sudden Infant Death Syndrome (SIDS) is the leading cause of death among infants from one to twelve months of age. Approximately 2,200 infants die from SIDS every year; and

WHEREAS, SIDS is the unexpected death of an infant under the age of one that remains unexplained after a complete examination is performed, including an autopsy, death scene investigation and review of case history; and

WHEREAS, most victims of SIDS are under the age of six months. Furthermore, African-American infants are among the greatest at-risk group of infants; and

WHEREAS, although there is currently no way to predict or prevent SIDS, many scientists agree that it is triggered when infants sleep on their stomachs; and

WHEREAS, for that reason, the Back to Sleep campaign was launched in 1994 to encourage placing on their backs. By following the recommendations from this campaign, the risk of SIDS can be dramatically reduced and accidental infant suffocation deaths can be prevented; and

PROCLAMATIONS

WHEREAS, the death rate of SIDS has declined more than 60 percent since the inception of this campaign. However, SIDS is still the leading cause of death among young infants between one and twelve months of age; and

WHEREAS, throughout the month of October, Sudden Infant Death Services of Illinois will hold events to distribute information and educate parents and families about SIDS in order to reduce the incidence of SIDS and prevent all accidental infant deaths:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2009 as **SUDDEN INFANT DEATH SYNDROME AWARENESS MONTH** in Illinois, to raise awareness about sudden unexplained infant death and to encourage infant safe sleep practices so that no parent will have to endure the tragedy of infant death.

Issued by the Governor October 9, 2009

Filed by the Secretary of State October 16, 2009

2009-302**Breast Cancer Awareness Month and Mammography Day**

WHEREAS, October 2009 marks the 25th year of the National Breast Cancer Awareness Month campaign to educate women about breast cancer, especially the importance of early detection through mammography; and

WHEREAS, in 2009 a projected 9,190 women in Illinois will be diagnosed with breast cancer; and

WHEREAS, in 2009 a projected 1,850 women in Illinois will lose their life due to breast cancer; and

WHEREAS, breast cancer is the second most common cancer in women and is second only to lung cancer as the leading cause of cancer deaths; and

WHEREAS, the best chance for detecting breast cancer early is mammography screening, which, when paired with new treatment options, can dramatically improve a woman's chance of survival; and

WHEREAS, the Illinois Breast and Cervical Cancer Program (IBCCP) offers free mammograms, breast exams, pelvic exams, and Pap tests to uninsured women. The IBCCP has provided 31,754 women with free breast screenings in the past fiscal year alone; and

PROCLAMATIONS

WHEREAS, since 1993, the United States has recognized the third Friday in October as National Mammography Day:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2009 as **BREAST CANCER AWARENESS MONTH** and October 16, 2009 as **MAMMOGRAPHY DAY** in Illinois, and encourage all citizens to join me in the continued fight against breast cancer.

Issued by the Governor October 9, 2009

Filed by the Secretary of State October 16, 2009

2009-303**Childhood Lead Poisoning Prevention Week**

WHEREAS, lead poisoning is one of the most preventable environmental health problems affecting approximately 250,000 children aged 1 to 5 years in the United States; and

WHEREAS, even at low levels, lead poisoning can affect nearly every system in the body, causing learning disabilities, shortened attention span, behavioral problems and, in extreme instances, seizure, coma and even death; and

WHEREAS, lead poisoning can affect any family regardless of race, socioeconomic status and education; and

WHEREAS, Illinois identified more than 5,000 lead poisoned children in 2008; and

WHEREAS, the major source of lead exposure among Illinois children continues to be lead-contaminated dust and lead-based paint banned in 1978; and

WHEREAS, nearly 2.1 million housing units built prior to 1978 still remain in Illinois; and

WHEREAS, Illinois passed the Lead Poisoning Prevention Act in 1973 to set mandatory screening and reporting requirements; and

WHEREAS, Illinois established the Lead Poisoning Prevention Program in the Illinois Department of Public Health to monitor the identification and treatment of lead poisoned children; and

PROCLAMATIONS

WHEREAS, Illinois data indicates a significant decline in the number of lead poisoned children younger than the age of 6 from 23.1 percent in 1996 to 1.7 percent in 2008; and

WHEREAS, Illinois amended the Lead Poisoning Prevention Act in 2006, establishing new guidelines to further expand on lead poisoning prevention efforts in the state; and

WHEREAS, Illinois is pleased to join with healthcare professionals, agencies and their delegates in observance of National Lead Poisoning Prevention Week, in an effort to increase awareness and promote prevention of lead poisoning in children:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 25-31, 2009 as **CHILDHOOD LEAD POISONING PREVENTION WEEK** in Illinois, and encourage all citizens to recognize the prevalence of lead poisoning in our society and to join in working toward eradicating this unfortunate and unnecessary condition.

Issued by the Governor October 9, 2009

Filed by the Secretary of State October 16, 2009

2009-304**Chronic Obstructive Pulmonary Disease Awareness Month**

WHEREAS, lung diseases, known collectively as chronic obstructive pulmonary diseases (COPD), are the fourth leading cause of death in the United States, with over 119,000 Americans dying from this disease each year; and

WHEREAS, chronic obstructive pulmonary diseases cost the United States economy an estimated \$31.9 billion every year; and

WHEREAS, 30 million people in the United States have been diagnosed with some form of COPD, with a similar number undiagnosed; and

WHEREAS, awareness, early detection and treatment are crucial in the prevention or slowing of the spread of lung disease in this country; and

WHEREAS, the residents of the State of Illinois deserve the opportunity to grow, thrive and be healthy and informed about their respiratory health and of the factors that affect that health:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 2009 as **CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH** in

PROCLAMATIONS

Illinois, and urge all citizens to be aware of the prevalence of chronic obstructive pulmonary disease and support efforts to find a cure.

Issued by the Governor October 9, 2009

Filed by the Secretary of State October 16, 2009

2009-305**Respiratory Care Week**

WHEREAS, respiratory diseases are a major health problem in the United States. Unfortunately, the causes of some respiratory diseases are unknown, and many have no known cure; and

WHEREAS, despite that, appropriate therapy can often slow the progress of respiratory disease, relieve symptoms, reduce the extent of permanent lung damage and respiratory disability, and avert or delay the onset of life-threatening complications; and

WHEREAS, there are educational programs for patients and their families, as well as a variety of treatments for respiratory disease, such as the administration of life-supporting oxygen, drug treatment, and lung rehabilitation; and

WHEREAS, to inform the public about the respiratory care profession and promote lung health, the American Association for Respiratory Care and their affiliate organizations, including the Illinois Society for Respiratory Care, annually sponsor Respiratory Care Week on the last week of October; and

WHEREAS, during this week, respiratory therapy centers throughout the country participate by hosting educational screenings and programs, as well as fundraisers for asthma camps for kids, patients in need of assistance, and other worthy causes; and

WHEREAS, legislation to grant Illinois Respiratory Care Practitioners full licensure status became effective January 1, 2006; and

WHEREAS, this year, the American Association and Illinois Society for Respiratory Care will observe Respiratory Care Week from October 25-31:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 25-31, 2009 as **RESPIRATORY CARE WEEK** in Illinois, in support of efforts by the American Association and Illinois Society for Respiratory Care to raise awareness about respiratory

PROCLAMATIONS

diseases that affect the lives of many citizens of our state, and urge all Illinoisans to be aware of the important role of respiratory care in their overall health and wellbeing.

Issued by the Governor October 9, 2009

Filed by the Secretary of State October 16, 2009

2009-306**Diversity Employment Day**

WHEREAS, a diverse workplace, where all employees are ensured equal opportunities for success, is an economic necessity; and

WHEREAS, the communities of Illinois look to do business with and support those organizations that best reflect their diversity; and

WHEREAS, the Diversity Employment Day Career Fair for Chicago and Illinois will bring together Illinois' major employers with thousands of qualified diversity professionals; and

WHEREAS, the Diversity Employment Day Career Fair will offer employment opportunities and career guidance for professionals in accounting, administration, healthcare, hardware and software engineering, finance, information technology, law enforcement, management, marketing, sales, network, data and telecommunications; and

WHEREAS, this annual event will feature a ribbon cutting ceremony that coincides with the presentation of the "Diversity Spirit Achievement Award" to three outstanding supporters of diversity in government, community, the corporate world:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 13, 2009 as **DIVERSITY EMPLOYMENT DAY** in Illinois, and congratulate all participants for recognizing the economic and social value in employing a diverse workforce.

Issued by the Governor October 9, 2009

Filed by the Secretary of State October 16, 2009

2009-307**National Service Recognition Day**

WHEREAS, more than 72,000 people of all ages and backgrounds are serving in 144 national service projects across Illinois; and

PROCLAMATIONS

WHEREAS, National Service Members serve their communities by improving education, protecting public safety, improving health care, safeguarding the environment, providing disaster relief and promoting civic engagement; and

WHEREAS, more than 2,000 AmeriCorps Members serving in Illinois will take their pledge today and promise to carry this commitment to service throughout their lives; and

WHEREAS, over 18,000 Senior Corps Members are currently contributing their time and talents through the Foster Grandparent, Senior Companion, and Retired and Senior Volunteer Program (RSVP) programs; and

WHEREAS, the Learn and Serve America program provides grants to schools, colleges, and nonprofits to engage more than 52,000 Illinois students in community service, civic learning and community service each year; and

WHEREAS, the Serve Illinois Commission is charged with enhancing and supporting community volunteerism in all its forms and in the administration of the AmeriCorps*State program in Illinois:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 15, 2009 as **NATIONAL SERVICE RECOGNITION DAY** in Illinois, and congratulate members of Illinois' AmeriCorps and the National Service family of programs, both past and present, on their service in strengthening communities through volunteerism in the State of Illinois.

Issued by the Governor October 9, 2009

Filed by the Secretary of State October 16, 2009

2009-308**Red Ribbon Week**

WHEREAS, cities across America have been plagued by the numerous problems associated with alcohol, tobacco, and other drug use; and

WHEREAS, substance abuse is particularly damaging to one of our most valuable resources, our children, and a contributing factor in the three leading causes of death for teenagers – accidents, homicides, and suicides; and

WHEREAS, local leaders, in government and in the community, know that the support of the people in the neighborhoods is the most effective tool they can have in their efforts to reduce use of alcohol, tobacco, and other drugs by Illinoisans; and

PROCLAMATIONS

WHEREAS, success will not occur overnight, our patience and continued commitment to drug education and prevention are imperative; and

WHEREAS, it is the goal of Red Ribbon Week to involve families, schools businesses, churches, law enforcement agencies and service organizations in all aspects of this campaign and to establish an atmosphere that supports awareness, education and ongoing initiatives to prevent illegal drug use; and

WHEREAS, the red ribbon was chosen as a symbol commemorating the work of Enrique "Kiki" Camarena, a Drug Enforcement Administration agent, who was murdered in the line of duty and has come to represent the belief that one person CAN make a difference; and

WHEREAS, the Red Ribbon Campaign was established by Congress in 1988 to promote this belief and encourage a drug-free lifestyle and involvement in drug prevention efforts; and

WHEREAS, this year, October 23 - 31, 2009 has been designated National Red Ribbon Week, calling on all Americans to show their support for a drug-free state by wearing a red ribbon and participating in drug-free activities during that week:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 23-31, 2009 as **RED RIBBON WEEK** in Illinois, and encourage all citizens to wear and display red ribbons and participate in drug-free activities throughout the week, joining the rest of the state in promoting the Red Ribbon Celebration and a drug-free America.

Issued by the Governor October 9, 2009

Filed by the Secretary of State October 16, 2009

2009-309
Safe Schools Week

WHEREAS, every day, millions of parents throughout the United States, including the State of Illinois, send their children off to schools for an education; and

WHEREAS, schools make substantial contributions to the future of America and to the development of our nation's young people as knowledgeable, responsible and productive citizens; and

PROCLAMATIONS

WHEREAS, while parents should not have to worry about the safety and security of their children while they are learning, recent acts of school violence underscore the reality that the security and wellbeing of many students, teachers and school staff is unnecessarily jeopardized; and

WHEREAS, unfortunately, crime and violence, such as substance abuse, gangs, bullying, poor discipline, vandalism and absenteeism can endanger students; and

WHEREAS, it is not the sole responsibility of our educational institutions alone to address these serious issues. All citizens share the responsibility to enhance the learning experiences of young people by helping to ensure fair and effective discipline, promote good citizenship, and generally make schools safe and secure; and

WHEREAS, likewise, all leaders – especially those in education, law enforcement, government and business – have a duty to collaborate to focus public attention on school safety and discipline and to work together to develop and promote innovative answers to these pressing issues; and

WHEREAS, the observance of the third full week in October as Safe Schools Week presents an opportunity to promote efforts to ensure that all our nation's schools are able to provide positive and safe learning climates:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 18-24, 2009 as **SAFE SCHOOLS WEEK** in Illinois, and encourage all citizens to work together to make our nation's schools safe, secure and peaceful places for learning, teaching and working, free of drugs, alcohol, weapons and fear.

Issued by the Governor October 9, 2009

Filed by the Secretary of State October 16, 2009

2009-310**Diversity and Inclusion Day**

WHEREAS, the Sixth Annual Changing Color of Leadership Conference and Bridge Awards Dinner, hosted by Chicago United, which is of special interest to Chicago-based businesses, will be held on Tuesday, November 10, 2009; and

WHEREAS, the conference and dinner will provide chief executive officers, corporate executives and minority business owners the opportunity to network and engage in meaningful dialogue regarding diversity and inclusion in the workforce and business partnerships; and

PROCLAMATIONS

WHEREAS, the Sixth Annual Changing Color of Leadership Conference and Bridge Awards Dinner assists in advancing the ongoing efforts to promote diversity and inclusion at all levels to enhance the region's economy; and

WHEREAS, through its many programs and products, Chicago United will bring together business, civic and not-for-profit leaders to bridge the gap between race and business:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 10, 2009 as **DIVERSITY AND INCLUSION DAY** in Illinois.

Issued by the Governor October 9, 2009

Filed by the Secretary of State October 16, 2009

2009-311**Greater Chicago Food Depository Day**

WHEREAS, no person should go hungry in the United States, yet hunger remains a pervasive problem, with more than 36.2 million Americans, including 12.4 million children, living on the brink of hunger; and

WHEREAS, 30 years ago, six community-minded individuals—Ann Connors, Father Philip Marquard, Tom O'Connell, Gertrude Snodgrass, Ed Sunshine and Bob Strube—met in a church to establish a food bank in Chicago; and

WHEREAS, the Greater Chicago Food Depository has grown through the years—from 471,000 pounds of food and 85 member agencies in its first year to 58 million pounds of food and more than 600 member agencies last year; and

WHEREAS, today, nearly half a million individuals in Cook County rely on food provided by the Greater Chicago Food Depository; and

WHEREAS, among other not-for-profit organizations in Chicago, the Greater Chicago Food Depository has led the fight against hunger, providing thousands of Chicago families with healthy meals; and

WHEREAS, through the years, the Greater Chicago Food Depository has distributed 750 million pounds of food, touching the lives of millions of Chicagoans; and

PROCLAMATIONS

WHEREAS, for 30 years, the Greater Chicago Food Depository has had the unwavering support of the Chicago community, allowing them to meet their mission to provide food for hungry people while striving to end hunger in our community:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 25, 2009 as **GREATER CHICAGO FOOD DEPOSITORY DAY** in Illinois, in honor of their 30th Anniversary.

Issued by the Governor October 9, 2009

Filed by the Secretary of State October 16, 2009

2009-312**Lyme Disease Awareness Month**

WHEREAS, ticks carrying the bacteria *Borrelia burgdorferi* that causes Lyme Borreliosis, commonly known as Lyme Disease, continue to spread across Illinois; and

WHEREAS, the number of reported cases of Lyme Disease among residents of Illinois has steadily increased, yet the Centers for Disease Control estimates that on average there are 10 missed cases for every case reported; and

WHEREAS, Lyme Disease is difficult to diagnose because it imitates other conditions and no reliable laboratory test can prove who is infected or bacteria-free, which often leads to misdiagnosis; and

WHEREAS, early indicators of infection include flu-like symptoms characterized by chills, headache, fatigue, muscle and joint aches and swollen lymph nodes; and

WHEREAS, weeks or months later, patients with untreated or under-treated Lyme Disease can suffer from serious, permanent and sometimes life-threatening damage to the brain, joints, heart, eyes, liver, spleen, blood vessels and kidneys. For this reason it is imperative that all who develop this disease receive immediate treatment; and

WHEREAS, the best solution to the threat of Lyme Disease is to educate people about the seriousness of the illness and the need to practice personal prevention techniques when engaging in outdoor activities, such as frequent tick checks, use of tick repellents and proper tick removal; and

WHEREAS, in an effort to raise awareness about Lyme Disease, Illinois is proud to take part in the annual observance of Lyme Disease Awareness Month this May:

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2010 as **LYME DISEASE AWARENESS MONTH** in Illinois, to draw attention to this disease and the importance of early detection and treatment.

Issued by the Governor October 9, 2009

Filed by the Secretary of State October 16, 2009

2009-313**Day of the Deployed**

WHEREAS, this nation is kept strong and free by the loyal citizens who protect our precious heritage through their positive declaration and actions; and

WHEREAS, our service members, serving at home and abroad, have courageously answered this nation's call to duty; and

WHEREAS, as we think of the many selfless actions demanded of service members and their loved ones across the globe, the willingness to deploy anywhere, anytime serves as a tangible reminder of the sacrifice being made in homes across America every day; and

WHEREAS, every deployment reflects the deep commitment of not only the deploying member, but of the many friends and loved ones who are left behind to aid in answering our nation's call; and

WHEREAS, these selfless men, women and children who are called upon to set aside their personal comfort and convenience to support the heroes they call mom, dad, father, mother, brother, sister, friend; and

WHEREAS, deployments reflect all that makes this country great as they remind us of what can be accomplished when people choose to think less about themselves and more about others—simply because it's the right thing to do; and

WHEREAS, the brave men and women currently deployed to protect and preserve our way of life deserve the utmost respect, appreciation, and support of all citizens; and

WHEREAS, since 2006, the nonprofit organization Soldiers' Angels, dedicated to the support of all branches of the Armed Forces, has honored our deployed heroes with a day set aside in recognition of their hard work, dedication and commitment to the United States of America:

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 26, 2009 as **DAY OF THE DEPLOYED** in Illinois.

Issued by the Governor October 15, 2009

Filed by the Secretary of State October 16, 2009

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 33, Issue 44 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

44 - 5000	14650
56 - 350	14657
35 - 261	14664
11 - 1800	14667

ADOPTED RULES

17 - 590	10/13/2009	14671
17 - 1010	10/30/2009	14739
17 - 1050	10/30/2009	14748

EMERGENCY RULES

35 - 261	10/14/2009	14764
11 - 1800	10/19/2009	14793

**JOINT COMMITTEE ON
ADMINISTRATIVE RULES
STATEMENTS OF RECOMMENDATION**

89 - 140	14836
----------	-------	-------

**EXECUTIVE ORDERS AND
PROCLAMATIONS**

09 - 297	10/14/2009	14858
09 - 298	9/30/2009	14859
09 - 299	10/1/2009	14859
09 - 300	10/8/2009	14860
09 - 301	10/9/2009	14861
09 - 302	10/9/2009	14862
09 - 303	10/9/2009	14863
09 - 304	10/9/2009	14864
09 - 305	10/9/2009	14865
09 - 306	10/9/2009	14866
09 - 307	10/9/2009	14867
09 - 308	10/9/2009	14867
09 - 309	10/9/2009	14868
09 - 310	10/9/2009	14869
09 - 311	10/9/2009	14870
09 - 312	10/9/2009	14871
09 - 313	10/15/2009	14872

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

17 - 3703	14837
-----------	-------	-------