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# Illinois Register

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Rules of Governmental Agencies

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## INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity 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 or amendments to or repealers of existing rules, including those by emergency or preemptory action.

The Register also contains 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. In addition, the Register contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The Register will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the Code along with the Register comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001 et seq., as amended).

## REGISTER PUBLICATION SCHEDULE 1992

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 17, 1991	Jan. 24, 1991	1	Jan. 3, 1992	June 23, 1992	June 30, 1992	28	July 10, 1992
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May 5, 1992	May 12, 1992	21	May 22, 1992	Nov. 10, 1992	Nov. 17, 1992	48	Dec. 4, 1992
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June 16, 1992	June 23, 1992	27	July 6, 1992 (Mon)	Dec. 22, 1992	Jan. 29, 1993	2	Jan. 8, 1993

**Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).**





DEPARTMENT OF THE LOTTERY

NOTICE OF PROPOSED RULES

Lisa A. Crites

Agency Rules Coordinator  
Illinois Lottery

201 East Madison Street

Springfield, Illinois 62702

(217) 524-5253

12) Initial Regulatory Flexibility Analysis:

A) Date rules were submitted to the Business Assistance

Office of the Department of Commerce and Community

Affairs: January 21, 1992.

B) Types of small businesses affected: The grievance

procedure set forth in this Part will not be applied to

Illinois retailers licensed to sell lottery products and,

therefore, will not affect small businesses.

C) Reporting, bookkeeping or other procedures required for

compliance: Small businesses will not be required to

undertake any reporting or bookkeeping activities

pursuant to this Part.

D) Types of professional skills necessary for compliance:

No professional skills are required of small businesses

pursuant to this Part.

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

1) Heading of the Part: Americans With Disabilities Act

Grievance Procedure

2) Code citation: 11 Ill. Adm. Code 1705

3) Section Numbers: Proposed Action:

1705.10 New Section

1705.20 New Section

1705.30 New Section

1705.40 New Section

1705.50 New Section

1705.60 New Section

1705.70 New Section

4) Statutory Authority: Implementing Title II, Subtitle A of the

Americans With Disabilities Act of 1990 (42 U.S.C. 12131-

12134), as specified in Title II regulations (28 CFR 35.107),

and authorized by Sections 7.1 and 7.2 of the Illinois Lottery

Law (Ill. Rev. Stat. 1989, ch. 120, pars. 1157.1 and 1157.2).

5) A Complete Description of the Subjects and Issues Involved:

As required by the Americans with Disabilities Act of 1990,

these proposed rules establish a procedure whereby qualified

persons with disabilities may resolve allegations of denial

of public services on the basis of disability.

6) Will this proposed rule replace an emergency rule currently

in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference?

No

9) Are there any other proposed amendments pending on this Part?

No

10) Statement of Statewide Policy Objectives: These rules will

not create or enlarge a State mandate.

11) Time, Place, and Manner in which interested persons may

comment on this proposed rulemaking: Written comments may be

submitted within 45 days of the publication of this notice to:



## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED RULES

## TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

## SUBTITLE C: LOTTERY

## CHAPTER II: DEPARTMENT OF THE LOTTERY

## PART 1705

## AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	
1705.10	Purposes
1705.20	Definitions
1705.30	Procedure
1705.40	Designated Coordinator Level
1705.50	Final Level
1705.60	Accessibility
1705.70	Case-by-Case Resolution

AUTHORITY: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Sections 7.1 and 7.2 of the Illinois Lottery Law (Ill. Rev. Stat. 1989, ch. 120, pars. 1157.1 and 1157.2)

SOURCE: Adopted at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1705.10 Purposes

- a) This Part establishes an Americans With Disabilities Act Grievance Procedure (Procedure) pursuant to the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) (ADA), and specifically Section 35.107 of the Title II regulations (28 CFR 35.107) requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator.
- b) In general, the ADA requires that each program, service, and activity offered by the Department of the Lottery (Department), when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intent of the Department to foster open communication with all individuals requesting ready

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED RULES

access to programs, services and activities. The Department encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

## Section 1705.20 Definitions

"Complainant" is an individual with a disability who files a grievance form provided by the Department in accordance with this Part.

"Designated Coordinator" is the person appointed by the Department Director to coordinate the Department's efforts to comply with and carry out its responsibilities under Title II of the ADA, including investigation of grievances filed by complainants. The Designated Coordinator for the Department is Mr. Greg Poepl. Mr. Poepl can be contacted at 201 East Madison Street, Springfield, IL 62702 or by telephone at 217/524-5246.

"Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or being regarded as having such an impairment.

"Grievance" is any complaint under the ADA by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Department, and who believes he or she has been excluded from participation in or denied the benefits of any program, service or activity of the Department, or has been subject to discrimination by the Department, on the basis of his or her disability.

"Qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the Department.

## Section 1705.30 Procedure

- a) Grievances shall be submitted in accordance with the procedures established in Sections 1705.40 and 1705.50 of this Part, in the form and manner described, and within specified time limits. Time limits established



Investigate the grievance and shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the complainant and to the Director of the Department within ten (10) business days after receipt of the grievance form.

Section 1705.50 Final Level

a) If the grievance is not resolved to the satisfaction of the complainant at the Designated Coordinator Level, the complainant may submit a copy of the grievance form and Designated Coordinator's response to the Director of the Department for final review. The complainant shall submit these documents to the Director, or his or her designee, together with a short written statement explaining the reason(s) for dissatisfaction with the Designated Coordinator's written response, within five (5) business days after receipt by the complainant of the Designated Coordinator's response.

b) The complainant shall be afforded an opportunity to appear before the Director. The complainant shall have a right to appoint a representative to appear on his or her behalf. The Director shall review the Designated Coordinator's written response and may conduct interviews and seek advice as the Director deems appropriate.

c) The Director shall approve, disapprove or modify the recommendation of the Designated Coordinator, shall render a decision thereon in writing within thirty (30) days, shall state the basis therefor, and shall cause a copy of the decision to be served on the parties. The Director's decision shall be final. If the Director disapproves or modifies the Designated Coordinator's recommendations, the Director shall include written reasons for such disapproval or modification.

d) The grievance form, the Designated Coordinator's response, the statement of reasons for dissatisfaction, and the decision of the Director shall be maintained in accordance with the State Records Act (III. Rev. Stat. 1989, ch. 116, par. 43.3 et seq.) or as otherwise required by law.

Section 1705.60 Accessibility

The Department shall ensure that all stages of the grievance

In this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the Designated Coordinator and Final Levels.

b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure, within the specified time limits shall mean that the complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure as the Department's final response.

c) The Department shall, upon being informed of an individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and the grievance form.

Section 1705.40 Designated Coordinator Level

a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the grievance form prescribed for that purpose. The grievance form shall be completed in full in order to receive proper consideration by the Designated Coordinator, and shall include:

1) the complainant's name and, if applicable, address and telephone number;

2) the best means and time for contacting the complainant;

3) the program, activity or service which was denied complainant or in which alleged discrimination occurred;

4) the date and nature of the alleged denial or discrimination;

5) the signature of the complainant.

b) Upon request, assistance shall be provided by the Department to complete the grievance form.

c) The Designated Coordinator or his representative shall





Section Numbers Proposed Action Illinois Register Citation

148.90 Repealed November 8, 1991 (15 III. Reg. 15928)

148.100 Repealed November 8, 1991 (15 III. Reg. 15928)

148.110 Repealed November 8, 1991 (15 III. Reg. 15928)

148.120 Amendment November 8, 1991 (15 III. Reg. 15928)

148.130 Amendment November 8, 1991 (15 III. Reg. 15928)

148.140 Amendment November 8, 1991 (15 III. Reg. 15928)

148.150 Amendment November 8, 1991 (15 III. Reg. 15928)

148.160 Amendment November 8, 1991 (15 III. Reg. 15928)

148.170 Amendment November 8, 1991 (15 III. Reg. 15928)

148.180 Amendment November 8, 1991 (15 III. Reg. 15928)

148.190 Amendment November 8, 1991 (15 III. Reg. 15928)

148.200 Amendment November 8, 1991 (15 III. Reg. 15928)

148.210 Amendment November 8, 1991 (15 III. Reg. 15928)

148.220 Amendment November 8, 1991 (15 III. Reg. 15928)

148.230 Amendment November 8, 1991 (15 III. Reg. 15928)

148.240 Amendment November 8, 1991 (15 III. Reg. 15928)

Section Numbers Proposed Action Illinois Register Citation

148.250 Amendment November 8, 1991 (15 III. Reg. 15928)

148.260 Amendment November 8, 1991 (15 III. Reg. 15928)

148.270 Amendment November 8, 1991 (15 III. Reg. 15928)

148.280 Amendment November 8, 1991 (15 III. Reg. 15928)

148.290 Amendment November 8, 1991 (15 III. Reg. 15928)

148.300 Amendment November 8, 1991 (15 III. Reg. 15928)

148.310 Amendment November 8, 1991 (15 III. Reg. 15928)

148.320 Amendment November 8, 1991 (15 III. Reg. 15928)

148.400 New Section November 8, 1991 (15 III. Reg. 15928)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local government units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Daniel Leikvold, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

A) Date Proposed Amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 16, 1992



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

- B) Types of small businesses affected: Medical providers
- C) Reporting, bookkeeping or other procedures required for compliance: No new procedures required.
- D) Types of professional skills necessary for compliance: No new skills required.

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

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148  
HOSPITAL SERVICES

Section	
148.10	Hospital Services
148.20	Participation
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Hospital Services Not Covered
148.70	Limitation On Hospital Services
148.80	Organ Transplants Services Covered Under Medicaid
148.90	Heart Transplants (Repealed)
148.100	Liver Transplants (Repealed)
148.110	Bone Marrow Transplants (Repealed)
148.120	Disproportionate Share Hospital Adjustments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Uncompensated Care Payment Adjustment for Nondisproportionate Share Hospitals
148.160	Payment Methodology for County-Owned Hospitals in a County with a Population of Over 3 Million
148.170	Payment Methodology for State-Owned Hospitals in a County with a Population of Over 3 Million
148.180	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting
148.190	Copayments
148.200	Alternate Reimbursement Systems
148.210	Filing Cost Reports
148.220	Pre September 1, 1991 Admissions
148.230	Admissions Occurring on or after September 1, 1991
148.240	Prepayment and Utilization Review
148.250	Determination of Alternate Payment Rates to Certain
148.260	Calculation and Definitions of Inpatient Per Diem
148.270	Determination of Alternate Costs Per Diem Rates For All Hospitals and Payment Rates for Certain Exempt Hospital Units
148.280	Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.290	Adjustments and Reductions to Total Payments
148.300	Payment
148.310	Review Procedure
148.320	Alternatives
148.330	Exemptions

Section 148.340	Subacute Alcoholism and Substance Abuse Treatment Services
148.350	Definitions
148.360	Types of Subacute Alcoholism and Substance Abuse Treatment Services
148.370	Payment for Subacute Alcoholism and Substance Abuse Treatment Services
148.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
148.380	Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services
148.390	Hearings
148.400	Special Hospital Reporting Requirements

**AUTHORITY:** Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 11 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

**SOURCE:** Sections 148.10 thru 148.390 recodified from 89 III. Adm. Code 140.94 thru 140.398 at 13 III. Reg. 9572; Section 148.120 recodified from 89 III. Adm. Code 140.110 at 13 III. Reg. 12118; amended at 14 III. Reg. 2553, effective February 9, 1990; emergency amendment at 14 III. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 III. Reg. 15358, effective September 13, 1990; amended at 14 III. Reg. 16998, effective October 4, 1990; amended at 14 III. Reg. 18293, effective October 30, 1990; amended at 14 III. Reg. 18499, effective November 8, 1990; emergency amendment at 15 III. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 III. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 III. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 III. Reg. 18684, effective December 23, 1991; amended at 16 III. Reg. \_\_\_\_\_ effective

a) Reimbursement for hospital outpatient and clinic services shall be made on a fee for service basis, except as described in subsection (c) for encounter rate hospitals.

Section 148.140 Hospital Outpatient and Clinic Services

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 148.140 Hospital Outpatient and Clinic Services (Cont'd)

1) Reimbursement levels shall be at the lower of the hospital's usual and customary charge to the public or the department's statewide maximum reimbursement screens. Hospitals will be required to bill the department utilizing specific service codes. However, all specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals in the same manner as to non-hospital providers who bill fee for service.

2) Reimbursement for the fee codes established July 1, 1983, and implemented through March 31, 1986, for procedures performed in a hospital setting will be calculated and paid in accordance with the statutes and administrative rules governing the time period in question.

3) Effective April 1, 1986, additional fee codes were established for outpatient procedures performed in a hospital setting. Procedures are grouped and reimbursed according to whether they are high level technology surgical procedures or other procedures. High Level Technology Surgical procedures are those which either require general or spinal anesthesia or require any two of the following three criteria: the use of special equipment, a major surgical pack as opposed to a minor surgical pack, or longer than one hour of surgical time. High level technology surgeries will be reimbursed at the lower of actual charges or that hospital's inpatient contract rate (per diem rate for non-contracting hospitals) equivalent to a one day inpatient stay. Other ambulatory surgical, specialized cardiac and diagnostic procedures are reimbursed at the lower of actual charges or the department's designated payment maximum. Two groupings are used to establish the State maximums - major teaching and other hospitals. A major teaching hospital is one having four or more graduate medical education programs - accredited by the American Medical Association, the American Dental



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

Section 148.140 Hospital Outpatient and Clinic Services  
(Cont'd)

Association or the American Osteopathic Association. The specialized treatment procedures, observation services, high risk and emergency room visits are reimbursed according to fiscal year 1986 payment methodology. Certain high level technology services recognized and approved by the Department as safe outpatient procedures are reimbursed in a category separate from other specialized cardiac procedures and diagnostic procedures. This special category currently includes the following procedures: Magnetic Resonance Imaging (MRI), Computerized Axial Tomography (Cat Scan), and Cardiac Catheterization.

- 4) A list of restricted inpatient procedures pursuant to Section 148.180(b) is established and those procedures will only be reimbursed when performed outside the inpatient setting or when the hospital supplies justification for an inpatient admission that meets Departmental established criteria. These criteria include, but are not limited to:
- A) Presence of medical conditions which make prolonged post-operative observations by a nurse or skilled medical personnel a necessity (e.g., heart disease, severe diabetes).
  - B) An unrelated procedure is being done simultaneously which itself requires surgical hospitalization.
  - C) The patient is unable to comprehend and/or follow the necessary instruction both prior to and following the procedure due to mental and/or physical impairment, and this would result in inadequate treatment and place the patient at risk.
  - D) Emergency admission or recent onset of severe symptoms would prohibit safely performing the procedure on an outpatient basis (e.g., bleeding, severe pain, nausea, vomiting).

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

Section 148.140 Hospital Outpatient and Clinic Services  
(Cont'd)

- E) Admission occurs subsequent to the performance of the procedure on an outpatient basis due to conditions such as:
  - i) instability of vital signs
  - ii) respiratory distress greater than existed pre-operatively
  - iii) post-operative pain not relieved by oral medication
  - iv) uncontrolled bleeding
  - v) lack of state of consciousness appropriate to age and development
  - vi) presence of persistent nausea or vomiting
  - vii) inability to ambulate consistent with age, previous mobility status and/or procedure.
- 5) Reimbursement levels for additional fee codes that are eligible for payment pursuant to subsections (a)(3) and (4) will be at the lower of the hospital's actual charge or the Department's designated payment maximum. This payment shall be considered full and final payment for those procedures performed.
- b) Payment for outpatient end-stage renal disease treatment (ESRDT) services provided pursuant to Section 148.40(c) shall be made at the Department's payment rates, as follows:
  - 1) For inpatient hospital services provided pursuant to 148.40(c)(1), the Department shall reimburse hospitals pursuant to Sections 148.200 through 148.330 and 89 Ill. Adm. Code 149.
  - 2) For outpatient services or home dialysis treatments provided pursuant to Section 148.40(c)(2) or (3), the Department will reimburse hospitals and clinics for ESRDT

NOTICE OF PROPOSED AMENDMENT

Section 148.140 Hospital Outpatient and Clinic Services (Cont'd)

services at a rate which will reimburse the provider for the dialysis treatment and all related supplies and equipment, as defined in 42 CFR 405.231(o) (1984). This rate will be that rate established by Medicare pursuant to 42 CFR 405.439 and 405.441 (1989).

3) Payment for non-routine services. For services which are provided during outpatient or home dialysis treatment pursuant to Section 148.40(c)(2) or (3) but are not defined as a routine service under 42 CFR 405.231(o) (1989), separate payment will be made to independent laboratories, pharmacies, and medical supply providers pursuant to 89 III. Adm. Code 140.430 through 140.434, 140.440 through 140.450, and 140.475 through 140.481, respectively.

4) Payment for physician services relating to ESRDT will be made separately to physicians, pursuant to 89 III. Adm. Code 140.400.

o) Reimbursement for hospital outpatient and clinic services provided by an encounter rate hospital on or after July 1, 1990, shall be made on an encounter rate basis.

1) Reimbursement levels shall be at the lower of the encounter rate hospital's all inclusive charge as shown on the claim or the Department's encounter rate hospital specific reimbursement rate for each of the procedure groups described in subsection (a)(3) and by the category of service. Encounter rate hospitals will be required to bill the Department utilizing all-inclusive service codes. However, all specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to encounter rate hospitals in the same manner as to non-hospital and hospital providers who bill fee-for-service.

2) Reimbursement for the fee codes defined in subsection (a)(3) for encounter rate hospitals

NOTICE OF PROPOSED AMENDMENT

Section 148.140 Hospital Outpatient and Clinic Services (Cont'd)

3) Will be reimbursed at the Department's rate calculated in subsection (c)(1) above. An encounter rate hospital is defined as an Illinois public hospital:

- A) located in a city with population exceeding 1 million; and
- B) which provided and was paid for 85,000 days or more of inpatient hospital care to recipients of medical assistance during state fiscal year 1989.

4) Inpatient restricted procedures as provided in subsection (a)(4) shall apply to encounter rate hospitals.

(Source: Amended at 16 III. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



DEPARTMENT OF CONSERVATION  
NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: Boat Access Area Development Program
- 2) CODE CITATION: 17 Ill. Adm. Code 3035
- 3) SECTION NUMBERS:

3035.40	<u>ADOPTED ACTION:</u>
3035.70	Amendments
3035.80	Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Section 63a25 of the Civil Administrative Code (Ill. Rev. Stat. 1989, ch. 127, par. 63a25) and Section 1 The Boat Registration and Safety Act (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 320-1).
- 5) EFFECTIVE DATE OF AMENDMENTS: January 17, 1992
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: January 14, 1992
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: October 18, 1991, 15 Ill. Reg. 14783
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

The Main and Section Source Notes were updated to "16 Ill. Reg."

In Section 3035.40(b)(5), the comma at the end of the paragraph was deleted.
- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes
- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No
- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No
- 15) SUMMARY AND PURPOSE OF AMENDMENTS: These amendments were made to change the application submittal date from January 1 - March 1 of each year to July 1 - September 1 of each year.

DEPARTMENT OF CONSERVATION  
NOTICE OF ADOPTED AMENDMENTS

- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Don Woods  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

regarding prime farmland impact (Ill. Rev. Stat. 1989, ch. 5, par. 1301 et seq.) and Department of Conservation sign-off regarding wetland impact (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 9701 et seq.).

(Source: Amended at 16 Ill. Reg. 1797, effective January 17, 1992)

Section 3035.70 Program Compliance Requirements

- a) The land to be used in development of boat access areas must be owned in fee simple or leased by the Local Agency. The Local Agency must provide proof of ownership or lease before plans for the facility can proceed. The term of the lease is determined by the amount of the contract.
b) For projects receiving assistance to acquire land for a boat access area, acquisition of the project property must be completed within nine (9) months following project approval, with the exception of those involving eminent domain. An independent appraisal must be completed by the sponsoring agency and certified by the Department to establish a fair market value for the project property. For land valued at over \$25,000, two appraisals are required. The appraisals must be full analytical narrative reports prepared by certified appraisers. Title to any property for which grant reimbursement is sought shall not be taken nor payment made for such property by the sponsoring agency before Department approval is received. Grant payment shall be limited to 50% reimbursement of the certified fair market value and in no case shall exceed actual cash payment for the property.

c) Land acquired with grant assistance must be subsequently developed as a public boat access area in general accordance with the approved project application proposal within three (3) years following the date title is secured for the property. Failure to improve the property for such use within the three (3) year time period shall result in the property being considered "converted" from its intended use necessitating remedial action, as specified in subsection (p) by the Local Agency.

d) The Local Agency is required to enter into a Standard Agreement with the Department in an amount agreed upon by the Local Agency and the Department as that necessary to complete the Department's share of project costs. Any costs incurred in the development and construction of the facilities in excess of the specified amount shall be paid by the Local Agency.

e) The Local Agency shall employ a competent engineering or architectural firm to develop necessary plans and specifications and to provide all other necessary services. Any engineering or architectural agreement or contract must be approved by the Department prior to its acceptance by the Local Agency. The Department shall approve the agreement or contract based upon the design fee, the construction cost, and the

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER 9: GRANTS

PART 3035
BOAT ACCESS AREA DEVELOPMENT PROGRAM

Table listing sections 3035.10 through 3035.80 including Program Objectives, Eligibility Requirements, Assistance Formula, General Procedures for Grant Awards, and Program Compliance Requirements.

AUTHORITY: Implemented and authorized by Section 6325 of the Civil Administrative Code (Ill. Rev. Stat. 1989, ch. 127, par. 6325) and Section 1 The Boat Registration and Safety Act (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 320-1).

SOURCE: Adopted and codified at 7 Ill. Reg. 5858, effective April 27, 1983; amended at 9 Ill. Reg. 2910, effective February 26, 1985; amended at 11 Ill. Reg. 15896, effective September 21, 1987; amended at 15 Ill. Reg. 4117, effective March 4, 1991; amended at 16 Ill. Reg. 1797, effective January 17, 1992.

Section 3035.40 General Procedures for Grant Awards

- a) Grant applications for funding assistance under the program must be submitted to and received by the Department no later than March September 1 of each calendar year. Awarding of grants will be made under the authority and directive of the Director of the Department after the beginning-of-the-fiscal-year-on-day-1. The number of grants awarded is limited to the total amount of funds available for the program in the given fiscal year.

- b) The project application consists of the following components:
1) Completed application forms
2) Location map
3) Site plan
4) Site Premise/Plat Map
5) Resolution of the governing body of the Local Agency authorizing submittal of an application for assistance from the Boat Access Area Construction Program
6) Proof of land ownership or lease
7) Illinois Historic Preservation Agency sign-off regarding historical resource impact (Ill. Rev. Stat. 1989, ch. 127, par. 133c21 et seq.), Illinois Department of Agriculture sign-off



## DEPARTMENT OF CONSERVATION

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- project complexity.
- f) If the Local Agency, by its unilateral action, terminates the project at any point short of its completion, the Local Agency shall be liable for all costs incurred and all monies forwarded to the Local Agency related to the project. The Local Agency shall agree to indemnify the Department and hold it harmless from any and all liability.
- g) The Local Agency shall present to the Department all plans, specifications, contracts or documents and cost estimates for all work to be done by a specified date. If this date cannot be met, it will be the responsibility of the Local Agency to show cause in writing to the Department. The plans and specifications shall contain the seal and signature of a registered Professional Engineer or Architect as the case may be. The Local Agency shall provide documentation to the Department that advertised bids were published. All work must be advertised for public letting through competitive bidding and all bidding tabulations shall be submitted to the Department for approval of the lowest qualified bid. The Department shall approve the Local Agency's recommendation of the lowest qualified bid provided it does not exceed the grant funding and it is within the engineer's estimate. The Local Agency shall thereafter certify their approval of the lowest qualified bid at their next regular meeting following approval by the Department. The Local Agency shall be responsible for the completion of the project within the time period specified in the contract.
- h) The Local Agency shall insert as an integral part of any contract with the approved bidder the following provisions:
- 1) That the Contractor shall abide by and comply with all applicable Local, State and Federal laws in connection with contracts involving public funds, the construction or development of public buildings, works or facilities.
  - 2) That the Contractor shall furnish to the Local Agency and the Department performance bond(s) with surety or sureties, with penalty or loss clauses, relating to the construction of the proposed facilities and any losses or damages arising out of, or by virtue of said construction by the Contractor of the specified boat launching facilities, insuring, benefitting and protecting the Local Agency and the Department.
  - 3) That the Contractor shall personally and individually, agree to furnish evidence of insurance, to indemnify, protect, defend at its own cost, and hold harmless the Local Agency and the Department from and against all losses, damages, injuries, costs, expenses or claims thereof to or by persons or property, arising out of, through, under or by virtue of the construction and development of the specified boat launching or access facilities:
  - 4) That the Contractor shall furnish progress or pay estimate reports to the Local Agency and the Department at thirty (30) day intervals indicating:
    - A) Units of work completed, and
    - B) Percentage of work completed for thirty (30) day period and to date.

## DEPARTMENT OF CONSERVATION

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- i) Upon the Department's receipt of each progress report or pay estimate submitted by the Local Agency which is within the scope of the contract, the Department shall issue payment.
- j) The Local Agency shall agree to ~~erect a permanent sign at the project entrance in accordance with specifications to be provided by the Department; said sign to constitute a part of the construction contract and to be worded as follows:~~ display a Boat Access Area Development grant program sign provided by the Department at the project site for the period of time so indicated in Section 3035.70(g). The Local Agency may substitute a comparable sign of its own design if approved by the Department.
- ~~"Public boat launching facility provided through cooperation of the Illinois Department of Conservation"~~
- k) The Local Agency will notify the Department prior to the beginning of any construction. A Department engineer will make inspections of the project as construction progresses and he will be available for assistance upon request. A final inspection of the completed project must be made by the Chief Engineer of the Department or his authorized representative prior to final payment by the Local Agency.
- l) The Local Agency shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses, or claims thereof arising under, through or by virtue of the construction, operation and maintenance of the proposed boat launching and access facilities.
- m) The Local Agency shall be responsible for and obtain all necessary Permits, Licenses or Forms of Consent, as the case may be, from, but not limited to the following agencies:
- 1) U.S. Corps of Engineers.
  - 2) (State) Department of Transportation (Division of Water Resources or Highways).
  - 3) Environmental Protection Agency.
  - 4) Illinois Historic Preservation Agency.
  - 4)5) Local Building or Zoning Agencies, or Boards, where applicable.
- n) The Local Agency agrees to comply with the Recreational Area Licensing Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 761 et seq.), the Environmental Barriers Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 3713(r)), and Section 11(b) of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1989, ch. 8, par. 341(b)).
- o) The Local Agency shall agree to abide by the following Operation and Maintenance provisions:
- 1) General.
    - A) The boat launching and access facilities shall be continuously operated and maintained by the Local Agency at no cost to the Department and shall be operated and utilized in such a manner as to maximize the intended benefits to and for the general public.
    - B) All land and water areas which are open to the public shall be available for use and enjoyment by the public without regard to race, color, sex, national origin, age or



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DEPARTMENT OF CONSERVATION

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- s) The Local Agency shall agree that in the event of its breach or non-compliance with any of the terms of the agreement between the Local Agency and the Department that ten (10) days following receipt of a written notice from the Department of the existence of said breach or non-compliance, if said condition is not corrected within this ten (10) day period, that the Department shall thereafter have full right and authority to take such action as it deems necessary whether by way of injunction or otherwise to enforce the provisions of the agreement to prevent the continued breach or violation thereof by the Local Agency. It is further agreed by the Local Agency, that in the event it is adjudicated by any court that its activities are deemed to be a breach or violation of the agreement, as a part of the relief awarded to the Department, that the Local Agency will reimburse the Department for the legal fees and all costs incurred by the Department in the pursuit of its rights under this paragraph. For purposes of this paragraph, "legal fees" shall be deemed to be the entire sum presented for payment by any attorney or law firm to the Department relating to the claim of the Department alleging the Local Agency's breach or violation, said sum being approved for payment by the Attorney General's office of the State of Illinois. For purposes of this paragraph, "costs" shall be deemed to be all those expenses, including court costs, reasonably incurred by the Department. In the event of breach of the agreement, the Department reserves the right to demand return of any state funds awarded under the agreement.
- t) The Local Agency shall agree that the Department reserves the right to audit records relative to the agreement.

(Source: Amended at 16 Ill. Reg. 1797, effective January 17, 1992)

Section 3035.80 Program Information Contact

Write: Illinois Department of Conservation  
Division of Technical Services  
524 South Second St.  
Lincoln Tower Plaza  
Springfield, Ill. 62706 62701-1787  
Telephone: 217-782-7481

(Source: Amended at 16 Ill. Reg. 1797, effective January 17, 1992)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: Illinois Snowmobile Grant Program
- 2) CODE CITATION: 17 Ill. Adm. Code 3010
- 3) SECTION NUMBERS:

3010.40	<u>ADOPTED ACTION:</u>
3010.50	Amendments
3010.70	Amendments
3010.80	Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 8-1 and 9-1 of the Snowmobile Registration and Safety Act (Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 608-1 and 609-1).
- 5) EFFECTIVE DATE OF AMENDMENTS: January 17, 1992
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: January 14, 1992
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: October 18, 1991, 15 Ill. Reg. 14794
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

The Main Source Note and Section Source Notes were updated to "16 Ill. Reg."

In Section 3010.40(a), the comma following "March 1" was removed.

In Sections 3010.40(c)(1)(H) and (J) the first letter of the sentence was placed in lower case.

In Sections 3010.40(c)(2)(H) and (K) the first letter of the sentence was placed in lower case.

In Section 3010.70(1)(6), the "c" in "contractor" was placed in lower case; "that" was added following "knowledge" and the comma was removed; the "/" was removed between "bidding" and "or" and the "of" following "33E-3" was changed to "or".

In Section 3010.70(o)(4), a period was added at the end of the sentence.

Section

- 3010.10 Program Objectives
- 3010.20 Eligibility Requirements
- 3010.30 Assistance Formula
- 3010.40 General Procedures for Grant Applications and Awards
- 3010.50 Eligible Project Costs
- 3010.60 Project Evaluation Priorities
- 3010.70 Program Compliance Requirements
- 3010.80 Program Information Contact

**AUTHORITY:** Implementing and authorized by Sections 8-1 and 9-1 of the Snowmobile Registration and Safety Act (Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 608-1 and 609-1).

**SOURCE:** Adopted and codified at 5 Ill. Reg. 13440, effective November 20, 1981; amended at 7 Ill. Reg. 14953, effective November 1, 1983; amended at 16 Ill. Reg. 1806, effective January 17, 1992.

Section 3010.40 General Procedures for Grant Applications and Awards

- a) Grant applications for funding assistance under the program must be submitted to the Department no later than ~~July~~ March 1<sup>st</sup> of each calendar year. Necessary application forms and instructions are available through the Department. Awarding of grants will be made under the authority and directive of the Director of the Department of Conservation ~~no later than October 31 of each calendar year~~. The number of grants awarded each calendar year is limited to the total amount of funds available for the program in the given fiscal year.
- b) Only project costs incurred by the local project sponsors after Department of Conservation grant approval are eligible for funding assistance. Any costs incurred prior to Department approval are ineligible for snowmobile grant assistance.
- b)(c) Project grant applications shall consist of the following basic components:
  - A) completed application forms;
  - B) parcel tabulation which lists an identification number, acreage size, estimated purchase price, and any existing property improvements for each parcel to be acquired;
  - C) project narrative statement describing the project concept, location, need for and objectives of the project, anticipated benefits and method of financing or

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? NO

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? NO

15) SUMMARY AND PURPOSE OF AMENDMENTS: The application submittal date was changed, compliance requirements regarding "bid rigging and bribery" are being added, and changes have been made to clarify language.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Don Woods  
 Department of Conservation  
 524 S. Second Street, Room 485  
 Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:



## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENT(S)

- accomplishing the project;
- D) commitment for Title Insurance;
- E) project location map;
- F) future site development plan;
- G) environmental assessment statement;
- H) Minutes and written comments received from required Public Hearing (Section 3010.70(d));
- I) project appraiser qualification statement; and
- J) Letters of project support from local snowmobile clubs.

## 2) Development Project

- A) completed application forms;
- B) itemized development cost estimates for each project component;
- C) project narrative statement (same as above);
- D) copy of deed, lease or easement for property to be developed;
- E) project location map;
- F) site development plan;
- G) environmental assessment statement;
- H) Minutes and written comments received from required Public Hearing (Section 3010.70(d));
- I) necessary state/local construction permits, if applicable;
- J) name of project engineer/architect; and
- K) Letters of project support from local snowmobile clubs.

e+d) A project application packet may be obtained from the Division of Grant--Administration Technical Services, Illinois Department of Conservation. (See Section 3010.80.)

(Source: Amended at 16 Ill. Reg. 1806, effective January 17, 1992)

## Section 3010.50 Eligible Project Costs

- a) Grant assistance may be obtained for; but not limited to, the following items:
    - 1) land acquisition (fee simple, lease, easement)\*for snowmobile trails and areas;
    - 2) snowmobile trail development;
    - 3) trail grooming equipment;
    - 4) parking areas, access roads, warming shelters, signs, safety lighting and other snowmobiling support facilities;
    - 5) snowmobiles and communication equipment (for local agency patrol use);
    - 6) first-aid facilities; and
    - 7) concession facilities.
  - b) No grant awards shall be awarded for the acquisition or development of land which is not available for public snowmobiling use.
- \* For acquisition of less than fee simple title, such as a lease or easement agreement, the agreement must cover a minimum time period of

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~~25 years. The Department will consider, on a case-by-case basis, lease/easement arrangements for shorter periods when State statute prohibits a unit of local government from entering into such a long-term agreement, or other circumstances beyond the control of the local unit of government prohibit such arrangements.~~

(Source: Amended at 16 Ill. Reg. 1806, effective January 17, 1992)

## Section 3010.70 Program Compliance Requirements

- a) Any property acquired or developed through assistance from the Illinois Snowmobile Grant Program must be open to the general public for snowmobile use during periods of specified snow conditions as agreed upon by the Department and local sponsoring agency. Property acquired or developed with program assistance may not be converted from snowmobile use without prior Department approval. Approval for property conversion will only be granted upon the project sponsor substituting replacement property equal in fair market value and comparable in snowmobiling usefulness, quality and location.
- b) The local sponsoring agency must certify in a written affidavit that it possesses the funding capability to initially finance the total amount of project costs.
- c) The local sponsoring agency must certify in a written affidavit and supply supporting documentation that adequate snow cover (a minimum of 4 inches) is, in fact, a normal climatic condition for the project area for a minimum of 14 days from November 1 through March 31.
- d) For all projects, except those projects which involve only equipment purchase, the local project sponsor must hold a public hearing to discuss the project and provide the Department with a synopsis of the hearing, as well as any written comments received at the hearing. The meeting must be advertised in at least one local newspaper one to two weeks prior to the meeting.
- e) For projects requesting development assistance, the sponsoring agency must have either fee simple title to the land being developed or at least a twenty-(20)-year a perpetual lease or easement arrangement.
- f) For projects receiving acquisition assistance, an appraisal must be completed by the sponsoring agency and certified by the Department. The appraisal must be completed to Departmental specifications. Title to any property for which grant reimbursement is sought cannot be taken by the sponsoring agency before Departmental approval is received.
- g) For projects receiving development assistance, the sponsoring agency must present to the Department, for review, all working plans, specifications, contract documents and cost estimates prior to commencing work. The format for any advertisement or prospectus soliciting and inviting bids, indicating dates of same, must also be presented to the Department for review prior to publication. The Department will notify the project sponsor if the proposed project



h) The local sponsoring agency is required to enter into a standard State contract agreement with the Department for an amount agreed upon as necessary to complete the approved project and which specifies the related grant reimbursement amount.

i) Upon project completion, the project sponsor must submit a certified project expenditure statement listing all funds expended on the project for which grant reimbursement is sought as well as required billing documentation.

1) ACQUISITION PROJECT: copy of the signed Statement of Just Compensation/Order to Purchase Form, Warranty Deed (Judgement Order in case of condemnation) for property, copy of cancelled check showing proof of payment to seller, and completed Billing Form which itemizes project costs and contains a certification statement verifying project expenditures.

2) DEVELOPMENT PROJECTS: Copy of As-Built drawings, copy of receipts/invoices for project costs, copy of cancelled checks showing proof of payment, and completed Billing Form which itemizes project costs and contains a certification statement verifying project expenditures.

j) Financial records on approved projects must be maintained and retained by the project sponsor for possible State audit for a period of three years after final reimbursement payment is made by the Department.

k) The sponsoring agency must permanently post a Snowmobile Grant Program acknowledgement sign at the project site where grant assistance is involved. The required sign or specifications for its construction will be furnished by the Department.

1) The sponsoring agency shall insert as an integral part of any contract with the approved project bidder the following provisions:

2) That the contractor must abide by and comply with all applicable local and State laws relating to fair employment practices and prohibiting discrimination in employment contracts involving public funds, the construction or development of public buildings, works or facilities.

3) That the contractor must abide by and comport with all applicable local and State laws relating or pertaining to the development and/or construction of public works, buildings, or facilities, including but not limited to, any and all applicable workmen's compensation acts or laws.

4) That the contractor shall provide and furnish to the satisfaction of the sponsoring agency and the Department good and sufficient performance bond(s) with adequate surety or sureties, with applicable penalty or loss clauses concerning or relating to the

5) That the contractor shall personally and individually agree and covenant, and shall furnish and provide sufficient evidence of insurance, to indemnify, protect, defend at its own cost, and hold harmless the sponsoring agency and the Department from and against all losses, damages, injuries, costs, expenses or claims thereof to or by persons or property arising out of, through, under or by virtue of the construction and development of the specified snowmobile facilities.

6) That the contractor certifies to the best of his knowledge that no officer or employee has been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor has any officer or employee made an admission of guilt of such conduct which is a matter of record. Contractor further certifies that it is not barred from bidding or entering into a contract involving State of Illinois assistance as a result of violations of Section 33B-3 or 33B-4 of the Criminal Code of 1961, regarding bid rigging or bid rotating.

m) It shall be understood by the project sponsor that a Department representative will make periodic inspections of the project as construction progresses and be available for consultation or assistance at any reasonable time upon request. It is further agreed and understood by the project sponsor that a final inspection and acceptance of the completed project must be made by a representative of the Department prior to acceptance and final payment of grant reimbursement to the local sponsoring agency.

n) The sponsoring agency shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses, or claims thereof arising under, through or by virtue of the construction, operation and maintenance of program-assisted snowmobile facilities.

o) In connection with and prior to the construction, and thereafter the subsequent operation and maintenance of program-assisted snowmobile facilities, it shall be understood that the project sponsor is responsible for obtaining any and all necessary Permits, Licenses or Forms of Consent, as the case may be, from, but not limited to, the following:

- 1) Illinois Department of Transportation
2) Illinois Environmental Protection Agency
3) Illinois Historic Preservation Agency
34) Local Building or Zoning Agencies or Boards, where applicable.

p) In addition to the foregoing, the sponsoring agency further agrees to comply with an applicable provisions of the Recreational Area Licensing Act. The sponsoring agency must comply with and abide by the following



## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENT(S)

## Operation and Maintenance provisions:

- 1) The sponsoring agency may enter into a contract or agreement with responsible concessionaires to operate and/or construct snowmobile rental facilities, for dispersing food to the public and/or any other services as may be desired by the public and the sponsoring agency. Prior approval of the contract or agreement, and subsequent revisions thereof, shall be obtained from the Department. Any and all funds in excess of the costs of operation and maintenance of Program-assisted snowmobile facilities shall be used for the improvement of said facilities or similar public facilities in nearby areas.
- 2) The charging of fees for general public use of snowmobile facilities financed with funds from this grant program is strongly discouraged. However, if it is deemed necessary by the sponsoring agency that fees must be levied for use of these facilities, the sponsoring agency shall:
  - A) Receive prior approval on an annual basis from the Department for scheduled fees to be charged;
  - B) Clearly document that existing agency operation and maintenance budget is not sufficient to cover the added cost of properly operating and maintaining the project facility;
  - C) Deposit all fees in a separate account to be used for maintenance of and improvement to the Program-assisted facility only. This account must appear on the sponsoring agency's appropriation ordinance each year; and
  - D) On an annual basis, submit to the Department satisfactory statements of receipts and itemized expenditures from this fund.
- 3) All snowmobile facilities financed with funds from this grant program shall be continuously operated and maintained by the sponsoring agency at no cost to the Department and shall be operated and utilized in such a manner as to maximize the intended benefits to and for the general public.
- 4) The sponsoring agency shall satisfactorily maintain Program-assisted snowmobile facilities so as to promote the safe and enjoyable usage of the facility by the public.
- 5) The Department shall have access to Program-assisted facilities at all times for inspection purposes to ensure project sponsor's continued compliance with program regulations.
- 6) All snowmobile facilities financed with funds from this grant program shall be open to the public for use and enjoyment without regard to race, color, ~~creed--or~~sex, national origin, age or disability. No lessee or licensee of an area under a lease or license providing for a public or quasi-public use and no concessionaire of a lessee or licensee providing a service to the public, including facilities and accommodations, shall discriminate against any person or persons because of race, color, ~~creed, or~~sex, national origin, age or disability in the conduct of its operation under the lease, license or concession

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agreement.

- 7) All sub-leases or licenses entered into by the sponsoring agency with third persons relating to accommodations or concessions to be provided for or at the snowmobile facility for the benefit of the general public shall be submitted to the Department for its approval prior to said sub-lease or license being entered into or granted by the sponsoring agency.
- 8) It shall be permissible for the sponsoring agency to close Fund-assisted snowmobile facilities during the following times:
  - A) During and immediately following severe weather conditions when the safety of the recreating public may be jeopardized or debris deposited on the facility prohibit its proper use; removal of such debris shall be completed immediately or as soon as practical thereafter so public use of the facility may be effectively resumed.
  - B) During periods of alternate freezing and thawing when anticipated public use could cause damage to the facility resource base or jeopardize the safety of the recreating public.
  - C) At night to prevent vandalism if deemed necessary by the sponsoring agency.

During periods necessitating closure, the general public shall be appropriately informed by proper signs and through the news media. Other than as enumerated above, the sponsoring agency agrees that the facilities shall be open for and to public use throughout the year.
- q) Conflict of Interests:
  - 1) No official or employee of the local political subdivision who is authorized in his official capacity to negotiate, make, accept, or approve or to take part in such decisions regarding a contract or subcontract in connection with an approved Snowmobile grant project shall have any financial or other personal interest in any such contract or sub-contract.
  - 2) No person performing services for the local political subdivision in connection with an approved Snowmobile grant project shall have a financial or other personal interest other than his employment or retention by that local political subdivision, in any contract or subcontract in connection with an approved Snowmobile grant project. No officer or employee of such person retained by the local political subdivision shall have any financial or other personal interest in any real property acquired under an approved Snowmobile grant project unless such interest is openly disclosed upon the public records of the local political subdivision, and such officer, employee or person has not participated in the acquisition for or on behalf of the local political subdivision.
- r) Program Violations and Project Termination
  - 1) The State may unilaterally rescind project agreements at any time prior to the commencement of the project in the event that State



NOTICE OF ADOPTED AMENDMENT(S)

- 1) Funds are not appropriated for the grant program. After project commencement, agreements may be rescinded, modified, or amended only by mutual agreement with the local political subdivision. A project shall be deemed commenced when the local political subdivision makes any expenditure or incurs any obligation with respect to the project.
- 2) Failure by the local sponsoring agency to comply with any of the above cited program terms shall be cause for the suspension of all grant assistance obligations thereunder, unless, in the judgment of the Department, such failure was due to no fault of the local sponsoring agency.
- 3) Conversion of property acquired or developed with assistance from the Illinois Snowmobile Grant Program from public recreation and snowmobile use shall result in the local sponsoring agency being held liable for replacing the converted property with comparable facilities as deemed acceptable by the Department.

(Source: Amended at 16 Ill. Reg. 1806, effective January 17, 1992)

Section 3010.80 Program Information Contact

Write: Illinois Department of Conservation  
 Division of Technical Services  
 Lincoln Tower Plaza  
 524 South Second St.  
 Springfield, Illinois 62706  
 Telephone: 217/782-7481

(Source: Amended at 16 Ill. Reg. 1806, effective January 17, 1992)

- 1)
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1) HEADING OF THE PART: Land and Water Conservation Fund Grant Program

2) CODE CITATION: 17. Ill. Adm. Code 3030

3) SECTION NUMBERS:

ADOPTED ACTION:

Amendments	3030.30
Amendments	3030.50
Amendments	3030.60

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1 through 5 of "An Act relating to the planning, acquisition and development of outdoor recreation resources and facilities, and authorizing the participation by the State of Illinois, its political subdivisions and qualified participants in programs of Federal assistance relating thereto", (Ill. Rev. Stat. 1989, ch. 105, pars. 531-535) and implementing Title VI of the Federal Civil Rights Act of 1964 (43 CFR 17, 1983).

5) EFFECTIVE DATE OF AMENDMENTS: January 17, 1992

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? NO

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? NO

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: January 14, 1992

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: October 18, 1991, 15 Ill. Reg. 14807

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: NO

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

All references to "Ill. Rev. Stat." were updated to "1989." The Main Source Note and Section Source Notes were updated to "16 Ill. Reg." In Section 3030.50(b)(vii), the "P" in provided was placed in lower-case letters. In Section 3030.50(g), in line three, the "s" in "projects" was removed.



DEPARTMENT OF CONSERVATION  
NOTICE OF ADOPTED AMENDMENTS

- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes
- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No
- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No
- 15) SUMMARY AND PURPOSE OF AMENDMENTS: This Part was amended to changed the application submittal date from July - September of each year to May - July.
- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Don Woods  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION  
NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF CONSERVATION  
SUBCHAPTER 9: GRANTS

PART 3030  
LAND AND WATER CONSERVATION FUND GRANT PROGRAM

Section	
3030.10	Statutory Bases of Grant Program
3030.20	Eligibility
3030.30	General Procedures for Grant Awards
3030.40	Selection Criteria
3030.50	Compliance Requirements
3030.60	Land and Water Conservation Fund Information

AUTHORITY: Implementing and authorized by Sections 1 through 5 of "AN ACT relating to the planning, acquisition and development of outdoor recreation resources and facilities, and authorizing the participation by the State of Illinois, its political subdivisions and qualified participants in programs of Federal assistance relating thereto", (Ill. Rev. Stat. 1989, ch. 105, pars. 531-535) and implementing Title VI of the Federal Civil Rights Act of 1964 (43 CFR 17, 1983).

SOURCE: Adopted at 2 Ill. Reg. 45 p. 176, effective November 11, 1978; codified at 5 Ill. Reg. 10671; amended at 7 Ill. Reg. 8779, effective July 15, 1983; amended at 10 Ill. Reg. 13249, effective July 30, 1986; amended at 14 Ill. Reg. 6149, effective April 17, 1990; amended at 16 Ill. Reg. 1816, effective January 17, 1992.

Section 3030.30 General Procedures for Grant Awards

- a) ~~The project applicant is required to submit an application for assistance to~~ A completed project application for assistance must be submitted by the local project sponsor and received by the Department of Conservation from July 1 to September 1 between May 1 and July 1 of each year for consideration under the subsequent (October 1st) federal fiscal year Land and Water Conservation Fund grant cycle.
- b) The project application consists of the following components which are described in detail in the Land and Water Conservation Fund Local Participation Manual which is available from the Department of Conservation upon request from local political subdivisions.
  - 1) General Project Data
  - 2) Acquisition Data
  - 3) Acquisition Certification (if applicable)
  - 4) Resolution of Authorization
  - 5) Development Data
  - 6) Preliminary Relocation Plan
  - 7) Assurance of Compliance
  - 8) Certification Regarding Federal Debarment/Suspension



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## DEPARTMENT OF CONSERVATION

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federal Executive Order 11375 of October 13, 1967, and of the rules, regulations, and relevant orders of the United States Secretary of Labor.

- v) The contractor will furnish all information and reports required by federal Executive Order No. 11246, as amended by federal Executive Order 11375 of October 13, 1967, and by the rules, regulations, and orders of the U.S. Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the U.S. Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
  - vi) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in federal Executive Order No. 11246, as amended by federal Executive Order 11375 of October 13, 1967, and such other sanctions may be imposed and remedies invoked as provided in said Executive Order, as amended, or by rule, regulation, or order of the U.S. Secretary of Labor, or as otherwise provided by law.
  - vii) The contractor will include the provisions of Paragraphs (i) through (vi) in every subcontract on purchase order unless exempted by rules, regulations, or orders of the U.S. Secretary of Labor issued pursuant to Section 204 of federal Executive Order No. 11246, as amended by federal Executive Order 11375 of October 13, 1967 so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.
- E) The State shall:
- i) Comply with the above provisions in construction work carried out by itself.
  - ii) Assist and cooperate actively with the NPS and the U.S. Secretary of Labor in obtaining the compliance of

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contractors and subcontractors with the above contract provisions and with the rules, regulations, and relevant orders of the U.S. Secretary of Labor.

- iii) Obtain and furnish to the NPS and to the U.S. Secretary of Labor local bid specifications, submitted bid documents and awarded construction contracts as they may require for the supervision of such compliance.
  - iv) Enforce the obligation of contractors and subcontractors under such provisions, rules, regulations, and orders.
  - v) Carry out sanctions and penalties for violation of such obligations imposed upon contractors and subcontractors by the U.S. Secretary of Labor or the NPS pursuant to Part II, Subpart D, of federal Executive Order No. 11246, as amended by federal Executive Order 11375 of October 13, 1967.
  - vi) Refrain from entering into any contract with a contractor debarred from Government contracts under Part II, Subpart D, of federal Executive Order No. 11246, as amended by federal Executive Order 11375 of October 13, 1967.
- 3) The State shall secure completion of the work in accordance with the approved construction plans and specifications, and shall secure compliance with all applicable Federal, State, and local laws and regulations.
  - 4) Local political subdivisions shall permit periodic site visits by the Director to insure work progress in accordance with the approved project, including a final inspection upon project completion.
  - 5) In the event funds should not be available for future stages of the project, the local political subdivision shall bring the project to a point of usefulness agreed upon by the local political subdivision and the Director.
  - 6) All significant deviations from the project proposal shall be submitted to the Director for prior approval. Deviations which do not impact or diminish the approved project's recreational objective shall be deemed not significant and shall be approved.
  - 7) Development plans and specifications shall be available for review by the Director upon request.
  - 8) The acquisition cost of real property shall be based upon the appraisal of a competent appraiser. The reports of such appraisers shall be made available to the Director.
  - 9) If any tract or parcel of, or interest in, real property subject to being purchased under the provisions of this agreement, but not identified herein, is found by the Director for any reason not to be suitable for Federal assistance, all obligations of the United States hereunder shall cease as to such parcel, tract or interest.



NOTICE OF ADOPTED AMENDMENT(S)

10) Federal funds administered by the Department under the Federal Land and Water Conservation Fund program will be expended in accordance with all applicable State statutes.

c) Project costs: Project costs eligible for assistance shall be determined upon the basis of the criteria set forth in the Federal Land and Water Conservation Fund Grants-in-Aid and Illinois Land-and-Water Local Participation Manuals.

d) Project Administration: 1) Local political subdivisions shall promptly submit such reports as the Director requests. 2) Property and facilities acquired or developed through the Land and Water program shall be available for inspection by the Director upon request.

e) Project Termination: 1) The State may unilaterally rescind project agreements at any time prior to project commencement if Federal funds are rescinded. After project commencement, agreements may be rescinded, modified, or amended only by mutual agreement with the local political subdivision. A project shall be deemed commenced when the local political subdivision makes any expenditure or incurs any obligation with respect to the project.

2) Failure by the local political subdivision to comply with the terms of the Land and Water Conservation Fund Program shall be cause for the suspension of all obligations thereunder. 3) Failure by the local political subdivision to comply with the above cited terms shall not be cause for the suspension of all Land and Water obligations if, in the judgment of the Director, such failure was due to no fault of the local political subdivision.

f) Conflict of Interests: 1) No official or employee of the local political subdivision who is authorized in his official capacity to negotiate, make, accept, or approve or to take part in such decisions regarding a contract or subcontract in connection with an approved Land and Water project shall have any financial or other personal interest in any such contract or subcontract. 2) No person performing services for the local political subdivision in connection with an approved Land and Water project shall have a financial or other personal interest other than his employment or retention by that local political subdivision, in any contract or subcontract in connection with an approved Land and Water project. No officer or employee of such person retained by the local political subdivision shall have any financial or other personal interest in any real property acquired under an approved Land and Water project unless such interest is openly disclosed upon the public records of the local political subdivision, and such officer, employee or person has not participated in the acquisition for or on behalf of the local political subdivision.

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9) Financial Records: 1) The local political subdivision shall maintain legible financial accounts, documents, and records, which accurately support projects claimed for grant reimbursement, and shall make them available to the Director, the NPS, the Federal Department of the Interior, and to the U.S. General Accounting Office for auditing during regular business hours. Such accounts, documents, and records shall be retained by the local political subdivision for three years following project termination.

2) The local political subdivision shall use any generally accepted accounting system. Use of Facilities: 1) The local political subdivision shall not at any time convert any property acquired or developed through the Land and Water program to other than the public outdoor recreation uses specified in the project proposal without the prior approval of the Director and concurrence by the NPS. Such approval will be given only upon the substitution of replacement property having equal fair market value and comparable outdoor recreation usefulness, quality and location. 2) The local political subdivision shall operate and maintain, or cause to be operated and maintained, property or facilities acquired or developed through the Land and Water program in the manner and according to the standards set forth in the federal Land and Water Grants-in-Aid Manual.

1) Non Discrimination: The local political subdivision shall not discriminate against any person on the basis of race, color, national origin, handicap or age in the use of any property or facility acquired or developed through the Land and Water program. 2) The local political subdivision shall comply with the terms and intent of Title VI of the federal Civil Rights Act of 1964, 78 Stat. 241 (1964) (42 U.S.C. Subchapter V), and with the regulations promulgated pursuant to such Act by the U.S. Secretary of the Interior.

3) The local political subdivision shall not discriminate against any person on the basis of residence, except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence. Reasonable differences shall mean that fees charged to non-residents cannot exceed twice the amount charged to residents. When residents are not charged, but non-residents are charged, the non-resident fee cannot exceed fees charged for residents at comparable State or local public facilities having a fee system.

(Source: Amended at 16 Ill. Reg. 1816, effective January 17, 1992)



NSERVATION

AMENDMENT(S)

## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENTS

Services

2706 62701-1787.

16 Ill. Reg. 1816, effective  
)

- 1) HEADING OF THE PART: Nuisance Wildlife Control Permits
- 2) CODE CITATION: 17 Ill. Adm. Code 525
- 3) SECTION NUMBERS: 525.30                      ADOPTED ACTION: Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Section 2.37 of the Wildlife Code (Ill. Rev. Stat., 1989, ch. 61, par. 2.37, as amended by P.A. 87-296, effective January 1, 1992).
- 5) EFFECTIVE DATE OF AMENDMENTS: January 17, 1992
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: January 14, 1992
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: November 1, 1991, 15 Ill. Reg. 15647
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:  
  
The Main Source Note and Section Source Notes were updated to "16 Ill. Reg."  
  
In Section 524.30(a), the following was added at the end of the paragraph: Permitted Nuisance Wildlife Control is governed solely by Sections 2.37 and 2.38 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 2.37 and 2.38) and this Part. All other provisions of the Game Protective Regulations of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, Art. II) do not apply.
- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes
- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No
- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

Section

- 525.10 Purpose
- 525.20 Requirements and Application
- 525.30 General Provisions
- 525.40 Revocation and Suspension of Permits - Hearings and Appeals
- EXHIBIT A Application for Nuisance Wildlife Control Permit

AUTHORITY: Implementing and authorized by Section 2.37 of the Wildlife Code (Ill. Rev. Stat., 1989, ch. 61, par. 2.37, as amended by P.A. 87-296, effective January 1, 1992).

SOURCE: Adopted at 15 Ill. Reg. 4149, effective March 4, 1991; amended at 16 Ill. Reg. 1826, effective January 17, 1992.

Section 525.30 General Provisions

- a) Nuisance Wildlife Control Permits shall be issued on an annual basis and expire January 31 of each year. Nuisance Wildlife Control Permits are not transferable. Permitted Nuisance Wildlife Control is governed solely by Sections 2.37 and 2.38 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 2.37 and 2.38) and this Part. All other provisions of The Game Protective Regulations of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, Art. II) do not apply.
- b) Under no circumstances shall a Nuisance Wildlife Control Permit be used in lieu of a scientific collector's permit or sport or commercial licenses.
- c) Permittee's method of taking fauna must be approved by the Department. Approved methods include, but are not limited to trapping and shooting. In addition,
  - 1) Only box traps, cage traps, or traps of similar design and unmodified cushion-hold traps shall be used for land sets. "Cushion-hold trap" means an approved trap of the spring-loaded type with offset jaws designed to capture an animal by closing upon one of its limbs and which is so constructed that the edges designed to touch the animal are composed of a non-metallic substance which eliminates or mitigates injury to the trapped animal.
  - 2) Body-gripping trap, cushion-hold traps, leghold traps, Bailey beaver traps or traps of similar design, Snead colony traps or traps of similar design, and cage traps, box traps or traps of similar design may be used for water sets. Snares that are not powered by springs or other mechanical devices shall be used for

15) SUMMARY AND PURPOSE OF AMENDMENTS: These amendments eliminate the requirement that "The use of traps shall be subject to all municipal restrictions unless otherwise authorized in writing by an official of the municipality."

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Don Woods  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:



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## NOTICE OF ADOPTED AMENDMENT(S)

water sets only if at least one-half of the snare noose loop is located under water at all times; the noose loop diameter is not greater than 15 inches (38.1 CM); the snare is equipped with a mechanical lock, anchor swivel, and stop device to prevent the mechanical lock from closing the noose loop to a diameter of less than 2 1/2 inches (6.4 CM); the cable diameter is not less than 5/64 inch (2.0 MM) but not greater than 1/8 inch (3.2 MM); and the snare is not constructed of stainless steel metal cable or wire.

~~3) The use of traps shall be subject to all municipal restrictions unless otherwise authorized in writing by an official of the municipality.~~

4)3) It is unlawful to fail to visit and remove all animals from traps staked out, set, used, tended, placed or maintained at least once each calendar day.

5)4) It is unlawful for any person to place, set, use, or maintain any trap or snare that is not tagged, inscribed, or otherwise identified with the permittee's name and address.

6)5) It is unlawful for any person to place, set, use, or maintain a cushion-hold trap or leghold trap in water, that has a jaw spread larger than 7 1/2 inches (19.1 CM), or a body-gripping trap having a jaw spread larger than 10 inches (25.4 CM) on a side if square and 12 inches (30.5 CM) if round.

7)6) It is unlawful for any person to place, set, use, or maintain a cushion-hold trap on land, that has a jaw spread larger than 6 1/2 inches (16.6 CM).

8)7) It is unlawful to use any trap with saw-toothed, spiked, or toothed jaws.

9)8) It is unlawful to place, set, or maintain any leghold trap or cushion-hold trap within thirty (30) feet (9.14 m) of bait placed in such a manner or position that it is not completely covered and concealed from sight, except that this shall not apply to underwater sets. Bait shall mean and include any bait composed of mammal, bird, or fish flesh, fur, hide, entrails, or feathers.

10)9) It is unlawful to use any deadfall, pit-trap, spear, gig, hook, crossbow, poison, chemical, explosive or any like device to take any Protected Species.

11)10) It is unlawful for any person, except persons permitted by law, to have or carry any gun in or on any vehicle, conveyance or aircraft, unless such gun is unloaded and enclosed in a case.

12)11) It is unlawful to fire a rifle, pistol, revolver, or airgun on, over or into any waters of this State, including frozen waters.

13)12) It is unlawful to discharge any gun along, upon, across, or from any public right-of-way or highway in this State.

14)13) It is unlawful to use a silencer or other device to muffle or mute the sound of the explosion or report resulting from the firing of any gun.

15)14) It is unlawful for any person to remove animals from or to

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move or disturb in any manner, the traps owned by another person without written authorization of the owner to do so.

16)15) It is unlawful for any person to wantonly or carelessly injure or destroy, in any manner whatsoever, any real or personal property on the land of another while engaged in activities permitted by this Section.

17)16) It is unlawful for any person to take any Protected Species during the gun deer hunting season in those counties open to gun deer hunting, unless he wears, when in the field, a cap and outer garment of a solid blaze orange color, with such articles of clothing displaying a minimum of 400 square inches of blaze orange material.

18)17) The use of firearms shall be subject to all state restrictions.

19)18) The use of firearms shall be subject to municipal restrictions unless otherwise authorized in writing by an official of the municipality.

d) Taking of fauna on private properties by Class A permittees requires the landowner's or tenant's written permission. Taking of fauna on private properties by Class B permittees requires the landowner's or tenant's written or oral permission.

e) Taking of fauna on state-owned or -managed lands requires written authorization from the Site Superintendent or District Wildlife Manager:

f) Permittees shall describe to the persons seeking services the estimated cost and type of control methods to be used to relieve the nuisance problem and/or to alleviate damage to livestock, crops, or property.

g) The Nuisance Wildlife Control permit must be carried on the person at all times when taking or transporting fauna and be presented, upon request, to any authorized employee of the Department or any peace officer.

h) The taking of white-tailed deer, endangered species, threatened species, migratory birds, or other species protected by Federal regulations is prohibited unless specific authority is granted by the Department. If the permittee desires to control migratory birds or other species protected by Federal regulations, the permittee must first obtain appropriate authorization from the U.S. Fish and Wildlife Service, then receive approval from the Department prior to initiating any control methods.

i) All fur-bearing mammals which are not listed in 17 Ill. Adm. Code 1010 and all game mammals which are not listed in 17 Ill. Adm. Code 1010 and are taken under authority of this Part must be released alive or euthanized except that striped skunks must be euthanized. All other Protected Species must be released alive or surrendered to a licensed rehabilitator.

j) Methods of euthanizing animals must be approved by the Department and include, but are not limited to:

1) captive bolt, gunshot, drowning, and stunning;



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January 20 and shall include all operations for the period from January 1 through December 31 of the previous year. All such reports and records required by this Section shall be available for inspection by any officer or authorized employee of the Department, any sheriff, deputy sheriff, or any other peace officer at any reasonable time when request is made for same. Failure to comply with the provisions of this Section shall bar the permittee from obtaining a Nuisance Wildlife Control permit for the following year.

(Source: Amended at 16 Ill. Reg. 1826, effective January 17, 1992)

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2) inhalants, including ether, halothane, methoxyflurane, isoflurane, nitrous oxide, N2O, carbon monoxide, and carbon dioxide; and

3) non-inhalants including Secobarbital/dibucaine and T-61.

k) All euthanized animals must be transferred to a licensed renderer or disposed of in accordance with the Illinois Dead Animal Disposal Act (Ill. Rev. Stat. 1989, ch. 8, par. 149 et seq.).

l) The sale of animals or animal by-products taken under authority of this Part is prohibited.

m) All animals released alive must be re-located into suitable habitat in the State of Illinois within 24 hours after capture. The release site must be located at least 10 but not more than 40 miles from the capture site unless the Department grants specific authority to release animals greater than 40 miles from the capture site and the animals are certified disease-free as provided for in 17 Ill. Adm. Code 630. Animals captured by duly appointed representatives of municipalities shall be re-located into suitable habitat less than 10 miles from the capture site if this rule would require the release of animals on lands under the jurisdiction of another municipality.

n) Temporary holding facilities must meet U.S. Department of Agriculture standards for animal welfare as specified in "Specifications for the Humane Handling, Care, Treatment, and Transportation of Warmblooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates, and Marine Mammals" (Subpart F, Subchapter A, ch. 1, Title 9 CFR, 1985) (no later editions or amendments are included).

o) Release of fauna onto public or private land requires written authorization from the site superintendent, tenant, or landowner. In the event that threatened or endangered species are involved, the release shall be directed by the Endangered and Threatened Species Conservation Program Coordinator, Division of Natural Heritage, Department of Conservation, 524 South Second Street, Springfield, Illinois 62701.

p) Permittees who rent, lend or otherwise transfer traps to clients, citizens, or other parties who are not under their direct supervision and have not obtained a Nuisance Wildlife Control Permit or a Nuisance Animal Removal Permit are responsible for any damages or violations of this Section that are perpetrated by the other party. Any animals taken by a second party must be reported by the permittee in accordance with subsection (q). Failure to comply with this Part shall result in permit suspension or revocation in accordance with Section 525.40.

q) All permittees shall maintain records and submit an annual report to the Department showing the following information: total number of complaints received, number of complaints serviced, county of residence, name, address, and phone number of the permittee, number and kinds of animals relocated, name, address, and phone number of any site supervisor, tenant or landowner on whose property animals were released, locations where animals were released, and number and kinds of all animals euthanized. This report shall be made on or before







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park land);

7) equipment rental necessary for facility construction; and

8) other (considered on a case-by-case basis).

b) Grant assistance may be obtained for annual trail maintenance costs as authorized by the Department to cover fuel and necessary oils/fluids, vehicle insurance, and routine maintenance parts directly associated with the operation and transporting of STEF-assisted grooming equipment while maintaining designated trails open to the general public for snowmobile use.

b)c) It is the Department's policy that the STEF grant program be used to assist local snowmobile clubs purchase necessary materials for development and maintenance of snowmobile facilities. Labor necessary for project completion and maintenance shall be the sole responsibility of the project sponsor utilizing donated volunteer labor. No funding assistance will be provided for project labor costs.

e)d) No grant assistance will be awarded to projects which, either in whole or in part, will not be open to the general public for snowmobile use. If the project sponsor so chooses, use of the project facilities can be restricted to only those snowmobilers who can show proof of adequate personal liability insurance coverage or are willing to sign liability waivers concerning use of the facility.

(Source: Amended at 16 Ill. Reg. 1833, effective January 17, 1992)

## Section 3020.70 Program Compliance Requirements

- a) Grants awarded through the STEF grant program shall be for a period not to exceed one year. All approved projects must be in accordance with the agreed upon project specifications and a final billing request for reimbursement submitted to the Department within one year from the date of official grant award notification.
- b) All equipment/materials purchased through the STEF grant program utilized on private property shall be subject to repossession by the Department and shall be reclaimed upon the dissolution of the project sponsor or as a result of project sponsor non-compliance with program regulations as stated herein.
- c) With the exception of designated snowmobile routes on township roads, all snowmobile facilities developed with assistance from the STEF shall be posted with a permanent warning sign at all ingress/egress points to the facility which shall, at a minimum, be worded ~~to say the following as follows:~~

"Snowmobilers use this facility at their own risk. The landowner and other organizations and individuals involved in the development of this facility do not confer upon any facility user the legal status of invitee to whom a duty of care or responsibility is owed and shall in no way be held liable for any injuries or damages resulting from its use."

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d) With the exception of designated snowmobile routes on township roads, it shall be the sole responsibility of the project sponsor to adequately patrol the STEF-assisted facility to insure proper usage of the facility and user compliance with all State and local snowmobiling regulations. Failure of the project sponsor to take corrective measures, which bring the facility into compliance with this part, to help remedy complaints lodged by local citizens concerning misuse of STEF-assisted facilities shall be grounds for rescission of Department participation in the project.

e) For projects proposing permanent land/facility improvements, such as warming shelters, picnic shelters, bridges, and parking lots, it shall be necessary for the project sponsor(s) to possess/obtain signed "letters of agreement" or "leases" from all property owners directly associated with the development of STEF-assisted facilities which shall, at a minimum, stipulate the following terms:

## 1) General

- A) The effective dates of the agreement/lease which shall, at a minimum, be for a four month period from December 1 to April 1 for two consecutive years.
- B) A precise description of the property to be covered under the terms of the agreement/lease for snowmobiling use.
- C) If applicable, the agreed upon rental/lease fee to be paid the landowner in consideration for use of the designated property. PLEASE NOTE that any private landowner who accepts a valuable consideration in return for opening his/her land for public snowmobiling purposes jeopardizes the possibility for limited liability protection afforded under State statute (Ill. Rev. Stat. 1985 1989, ch. 95 1/2, par. 605-1 (I) and (J)) to private land-owners who open their lands to snowmobiling for no valuable consideration.
- D) The agreement/lease is non-revocable by the landowner unless terms of the agreement/lease are violated by the club or excessive vandalism by snowmobile users is evident. Should either the project sponsor or landowner wish to terminate the agreement/lease for any reason prior to the expiration date, the Department must be notified and made a party to the negotiations for termination.

## 2) Permitter's (landowners) Acknowledgements

- A) Permitter agrees that the described property in the agreement/lease will be open to the general public for snowmobile purposes regardless of race, color, creed or national origin.
- B) During the terms of the agreement/lease, the permitter shall not utilize, make alterations to, further sublet or in other ways legally encumber the designated premises or parts thereof so as to interfere with the intended snowmobiling use of the property.
- C) Permitter shall not post "no trespassing" or other restrictive use signs on the described property at any time



DEPARTMENT OF CONSERVATION

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Department shall be notified as to the location of the new facility site.

9) During all times of operation of a STRF-assisted snowmobile facility, the project sponsor must possess, in current force, its Charter papers proving Not-for-profit corporation status with the State of Illinois, and must possess insurance protection providing a minimum of \$100,000/\$300,000 liability coverage.

h) The project sponsor must possess the resource capabilities to: 1) Initially finance 100% of the total cost prior to grant reimbursement and; and 2) Properly maintain and operate the fund-assisted snowmobile facility after project completion.

i) Documents required at the time of final billing for grant reimbursement on a project include the following: 1) a signed "Billing Request" form that itemizes specific project costs and contains a certification statement verifying project expenditures; 2) copies of receipts/invoices for equipment--rental--and--materials purchased all approved project costs incurred in completing the project for which reimbursement is claimed;

3) copies of cancelled checks showing proof of payment; and 4) "as-built" drawings for the completed project. 5) It shall be understood by the project sponsor that 45-60 days are required by the Department to disburse grant reimbursement funds to local project sponsors after receipt of an acceptable "Billing Request" submitted in compliance with the above listed items.)

j) All financial records on approved projects must be maintained and retained by the project sponsor for possible State audit for a period of three years after final reimbursement payment is made by the Department. k) The project sponsor must permanently post at the project site a STRF grant program acknowledgement sign. The required acknowledgement sign will be furnished by the Department.

l) All work specifications must be submitted by the project sponsor to the Department for review prior to commencing work. Project sponsor will be notified by the Department if the proposed project requires the approval of a registered structural engineer.

m) Department representatives shall have access to STRF-assisted project sites at any time during construction to assess project progress and during facility operation to ensure compliance with program regulations. As time allows, Department representatives shall be available, upon request, for consultation/technical assistance concerning project development. It shall be further understood that a final inspection and acceptance of the completed project work must be

DEPARTMENT OF CONSERVATION

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D) Permittee shall be allowed to restrict snowmobile use on the described property during the terms of the agreement/lease only when: 1) snowcover is less than four inches (4"), 1) there is evidence of continued facility misuse or damage to the designated property by snowmobilers, 11) it is judged that conditions of the facility jeopardize user safety.

E) Permittee agrees that all materials/equipment used to make improvements to or mark the designated property for snowmobiling use shall remain the property of the permittee and State of Illinois and shall be reclaimed/removed at the termination of the agreement/lease.

F) Permittee agrees to hold harmless permittee, its officers and members, and the State of Illinois and its agents from any and all claims, demands, judgments, and executions which may arise as a direct or indirect result of this agreement/lease or actions taken in reliance thereupon.

G) Permittee in no way implies or assures through the execution of this agreement/lease that the designated property is safe for snowmobile use; or confers upon any trail user the legal status of invitee to whom a duty of care is owed; or assumes liability responsibility for injury to person/property caused through snowmobile use of the designated property.

3) Permittees (snowmobile club) Acknowledgements A) To restrict snowmobiling on the Permittee's property to those areas specifically designated for that purpose in the agreement/lease. B) To make only those improvements or trim and cut only those trees and shrubs on the designated property as approved by the property owner. It is further understood that all damage to fencing or other personal property of the property owner as a result of facility development or usage shall be repaired by the permittee to pre-damage condition upon termination of the agreement/lease or request of the property owner.

C) To post necessary trail signs to insure safe and proper snowmobile usage of the designated property and remove them, as requested, upon termination of the agreement/lease or snowmobiling season. D) To patrol and use all reasonable measures to promote safe and proper snowmobile usage of the designated property and to prevent the deposit of litter upon said property by users and to remove such litter that may be deposited.

E) All Leases/Letters of Agreement must be submitted to the Department, and must be consistent with 3020.70 (e) prior to consideration for STRF grant assistance. Upon the expiration or termination of a lease agreement which causes relocation of project facilities, the



## DEPARTMENT OF CONSERVATION

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made by Department personnel prior to approval of final reimbursement payment to the local project sponsor.

- n) The sponsoring agency shall indemnify, protect and hold harmless the Department from any and all liability, costs, damages, and claims arising as a direct or indirect result of the construction, operation or maintenance of STEF-assisted snowmobile facilities.
- o) In connection with, and prior to, the construction, and thereafter the subsequent operation and maintenance of STEF-assisted snowmobile facilities, sponsoring agency agrees that it shall be responsible for and obtain all necessary permits, licenses or forms of consent, as the case may be, from, but not limited to, the following agencies:
- 1) Illinois Department of Transportation: Division of Highways and Division of Water Resources,
  - 2) Illinois Environmental Protection Agency,
  - 3) U.S. Army Corp of Engineers,
  - 4) Local building, zoning or roadway boards/commissions.
- p) The project sponsor must comply with and abide by the following Operation and Maintenance provisions:
- 1) The charging of user fees for general public use of STEF-assisted snowmobile facilities is prohibited.
  - 2) All STEF-assisted snowmobile facilities shall be operated, ~~maintained and utilized and maintained~~ for general public use at ~~no--cost--to--the--Department--and--must--be--operated--and--utilized~~ in such a manner as to maximize the facility's intended benefits.
  - 3) The sponsoring agency shall satisfactorily maintain STEF-assisted snowmobile facilities so as to promote the safe and enjoyable use of the facility by the snowmobiling public.
  - 4) All snowmobiling trails/facilities developed, improved and/or maintained as a result of STEF grant assistance must be open and available to general public use and enjoyment without regard to race, color, creed or national origin, sex, age or disability.
  - 5) Department personnel shall have access to STEF-assisted facilities at all times for inspection purposes to ensure continued compliance with program regulations.
- q) All funds administered by the Department under the STEF grant program and expended by the project sponsor shall be in accordance with all applicable State statutes.
- r) The Department may unilaterally rescind project agreements at any time prior to commencement of the project, if the Department experiences a funding problem or the applicant demonstrates non-compliance with this part. After project commencement, agreements may be rescinded, modified, or amended only by mutual agreement with the project sponsor. A project shall be deemed commenced when the project sponsor has made an expenditure or has incurred an obligation with respect to the project.
- s) Failure by the local project sponsor to comply with any of the herein cited program regulations and terms shall be cause for the suspension of all STEF grant assistance obligations and/or repossession of project equipment/material obtained thereunder, unless, in the

## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENT(S)

judgment of the Department, such noncompliance was due to no fault of the project sponsor.

(Source: Amended at 16 Ill. Reg. 1833, effective  
January 17, 1992)

## Section 3020.80 Program Information

Write: Illinois Department of Conservation  
Division of Technical Services  
Lincoln Tower Plaza  
524 South Second Street  
Springfield, Illinois 62706 62701-1787

Telephone: 217/782-7481

(Source: Amended at 16 Ill. Reg. 1833, effective  
January 17, 1992)



14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: This part was amended to add new hunting dates, open three new counties (Knox, Rock Island, Scott) to hunting, raise permit quotas in 11 counties and reduce the quota in one county.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Don Woods  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

1) HEADING OF THE PART: The taking of wild turkeys - Spring Season

2) CODE CITATION: 17 Ill. Adm. Code 710

3) SECTION NUMBERS: ADOPTED ACTION:

710.10	Amendments
710.20	Amendments
710.21	New Section
710.30	Amendments
710.50	Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, and 2.9 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.3, 1.4, 1.20, and 2.9), and Sections 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 2.10 and 2.11).

5) EFFECTIVE DATE OF AMENDMENTS: January 17, 1992

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: January 14, 1992

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: October 18, 1991, 15 Ill. Reg. 14833

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

The Main Source Note and Section Source Notes were updated to "16 Ill. Reg."

In the Table of Contents and Text, the heading for Section 710.10 was changed to "Hunting Seasons".

In Section 710.20(g), the comma following "Landowners" was removed.

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No



## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENT(S)

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

PART 710  
THE TAKING OF WILD TURKEYS - SPRING SEASON

## Section

710.10	Hunting Seasons and-Permit-Quotas
710.20	Turkey Permit Requirements
710.21	<u>Turkey Permit Requirements - Special Hunts</u>
710.30	Turkey Hunting Regulations
710.40	Other Regulations (Repealed)
710.50	Regulations at Various Department Owned or Managed Sites
710.60	Releasing or Stocking of Turkeys

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, and 2.9 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.3, 1.4, 1.20, and 2.9), and Sections 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 2.10 and 2.11).

SOURCE: Adopted at 4 Ill. Reg. 15, p. 153, effective April 1, 1980; codified at 5 Ill. Reg. 10643; amended at 6 Ill. Reg. 3852, effective March 31, 1982; amended at 7 Ill. Reg. 4208, effective March 25, 1983; amended at 8 Ill. Reg. 5663, effective April 16, 1984; amended at 9 Ill. Reg. 6200, effective April 24, 1985; amended at 10 Ill. Reg. 6848, effective April 4, 1986; amended at 11 Ill. Reg. 2267, effective January 20, 1987; amended at 12 Ill. Reg. 5342, effective March 8, 1988; amended at 13 Ill. Reg. 5090, effective April 4, 1989; amended at 14 Ill. Reg. 663, effective January 2, 1990; amended at 15 Ill. Reg. 4161, effective March 4, 1991; amended at 16 Ill. Reg. 1843, effective January 17, 1992.

## Section 710.10 Hunting Seasons and-Permit-Quotas

## a) Season Dates:

1st Season:	Monday, April <u>013</u> - Friday, April <u>12,17</u> <u>19911992.</u>
2nd Season:	Saturday, April <u>1318</u> - Friday, April <u>1924</u> , <u>19911992.</u>
3rd Season:	Saturday, April <u>2025</u> - Wednesday, May <u>16</u> , <u>19911992.</u>

## b) Open Counties and-Permit-Quotas:

COUNTIES	NUMBER-OF-PERMITTS PER-SEASON
Adams	300
Alexander	170
Brown	175
Calhoun	150
Carroll	200

## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENT(S)

Cass	75
Clay	50
Effingham	75
Fayette	150
Fulton	120
Gallatin-Harding	260
Greene	120
Hancock	140
Henderson	80
Jackson	310
Jersey	200
Jo Daviess	400
Johnson	75
<u>Knox</u>	
Macoupin	90
Marion	100
Marshall-Putnam	60

(east of Illinois River  
only; north of State  
Highway 17 and south of  
the McNabb Blacktop  
(County Road 500 N.)  
only)

McDonough	80
Monroe	150
Ogle	50
Pike	350
Pope	420
Randolph	150
<u>Rock Island</u>	
Saline	80
Schuyler	300
<u>Scott</u>	
Union	330
Washington	60
Williamson	85

(Source: Amended at 16 Ill. Reg. 1843, effective January 17, 1992)

## Section 710.20 Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Conservation for a fee of \$15.00. Non-resident turkey hunters shall be charged the same fee for wild turkey hunting permits as that charged residents of Illinois by the state in which the applicant resides, except that in no case shall the fee be less than \$30.00. If the state in which the applicant resides does not provide for turkey hunting by Illinois residents, then the fee shall be \$75.00.



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Non-residents are also required to obtain a Non-Resident Hunting License before hunting wild turkeys. Residents, except those exempted by Section 3.1 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, par. 3.1) are also required to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Applications for wild turkey permits must be mailed to:

Department of Conservation - Turkey

524 S. Second Street, Room 210

P.O. Box 19446

Springfield, Illinois 62794-9446

b) Applicants must complete all portions of the permit application form. Incomplete applications will be rejected and fees returned. Each applicant must submit a personal check or money order for his/her individual application. Not more than 4 applications may be submitted for group hunters. Applicants submitting applications within three weeks of the season will not be guaranteed receipt of permit by start of season.

c) Applications will be accepted January 2 through January 31. Applications received in the permit office after close of business on January 31, except for those postmarked before January 31, will be returned and will not be included in the computerized drawing. All requests must be on an official application form. Permits are not transferable and refunds will not be granted. Permits will be allocated in a computerized drawing to be held in Springfield in which the first choice of seasons will be allocated before the second or third choices are considered.

d) Permits not issued during the computerized drawing will be available in a random daily drawing beginning February 19. Starting dates of the random daily drawing will be publicly announced. All hunters not receiving a permit in the computerized drawing may apply at this time for the available permits.

e) Any permits not issued as of the second Monday in March will also be available in a random daily drawing to those hunters who have previously received one permit.

f) Landowners or tenants of 40 acres or more land and members of their immediate family may apply for a one free turkey permit for their property only in counties open for turkey hunting. A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. All landowners or tenants that do not reside on the property must possess a valid hunting license.

g) Landowners or tenants are not required to participate in the public drawing for permits and are not counted toward the total number of permits issued for a particular county. Landowner/tenant permits are valid for the entire 24 days encompassed by the 3 seasons, but allow the taking of only one wild turkey.

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1) The immediate family is limited to the spouse, children, and parents permanently residing on the same property as the landowner or tenant.

2) Proof of ownership for all free landowner or tenant applications must be provided by one of the following methods:

A) Submittal of a copy of property deed;

B) Submittal of a copy of contract for deed;

C) Submittal of copy of most recent real estate tax statement upon which landowner's name appears;

D) Submittal of copy of either an Agricultural Stabilization and Conservation Service Form 476 or Commodity Credit Corporation Form 477; or

E) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a beneficiary of the trust.

3) If you are applying for a tenant permit, you are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:

A) Submittal of a copy of a lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the county desk, covering the current year; or

B) Submittal of a copy of either an Agricultural Stabilization and Conservation Service Form 476 or Commodity Credit Corporation Form 477.

4) A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.

5) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land.

6) For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive turkey permits.

7) Shareholders of corporations owning 40 or more acres of land in a county may apply for a free permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a free permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a free permit by the shareholders of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submital to the Permit Office.



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- 8) Landowners or tenants who obtain a free permit to hunt their owned or leased property may apply for a second county-wide permit (\$15.00 fee) from any permits not issued as of the second Monday in March in a random daily drawing.
- h) A \$3.00 service fee will be charged for replacement permits issued by the Department.
- i) It shall be unlawful to:
- 1) Submit applications before the second Monday in March for receiving more than one permit for the same person, and thereafter, submittal of applications for receiving more than two permits for the same person. Applicants may apply for a second permit prior to the second Monday in March if the application and the outside of the envelope are marked "Application for March Drawing - Second Permit." Such applications will not be processed until the second Monday in March.
  - 2) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this section shall have their application rejected, permit revoked, and fees forfeited.

(Source: Amended at 16 Ill. Reg. 1843, effective January 17, 1992 )

**Section 710.21 Turkey Permit Requirements - Special Hunts**

Special hunts are regulated by the agency which manages the property. The Permit Office only issues turkey hunting permits for Savanna Army Depot (Jo Daviess County).

(Source: Added at 16 Ill. Reg. 1843, effective January 17, 1992 )

**Section 710.30 Turkey Hunting Regulations**

It is unlawful:

- a) to use live turkey decoys, recorded calls, dogs, or bait;
- b) to take any wild turkey ~~except a-gobbler-(male)-or~~ or a hen with a visible beard or a gobbler (male);
- c) to take, or attempt to take, more than two wild turkeys during the spring season, one must have a valid permit for each turkey that is taken;
- d) to use any weapon except a shotgun or bow and arrow. #4 shot is the largest and #7 1/2 is the smallest size shot that may be legally used. Archers may use a long, recurved, or compound bow with a minimum pull of 40 pounds at some point within a 28-inch draw; a-barbless-broadhead hunting-arrow-is-the-only-legal-arrow-an arrow with a metal barbless broadhead that cannot pass through a 7/8 inch diameter hole is the only legal arrow. Any mechanical device capable of maintaining a drawn position or partially drawn position on a bow is illegal;

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- e) to hunt except from 1/2 hour before sunrise to noon during each day of the season;
- f) for any person having taken the legal limit of wild turkey(s) to further participate with a weapon in any hunting party for the purpose of taking additional wild turkeys;
- g) for any person to hunt wild turkeys without having a signed Wild Turkey Hunting Permit in possession;
- h) to transport a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey immediately upon taking possession. The wild turkey shall be taken whole (or field dressed) to the designated check station for the county in which it was killed, or the closest check station, by 2:00 P.M. the same day it was killed. It will be checked, tagged and recorded by the Department at the check station.
- i) For any person to shoot a wild turkey while it is in a tree before 7:00 a.m.
- j) For any person to use a turkey call or to attempt to call a turkey while in the field from April 1 through the day before turkey season in counties open to turkey hunting.

(Source: Amended at 16 Ill. Reg. 1843, effective January 17, 1992 )

**Section 710.50 Regulations at Various Department Owned or Managed Sites**

- a) Statewide regulations shall apply for the following sites:
  - Amax Leased Lands
  - Carlyle Lake Wildlife Management Area
  - LaRue Scatters
  - Mark Twain N.W.R., Gardner Division
  - Mississippi River Pool #18 (Henderson County)
  - Oakwood Bottoms
  - Panther Creek Conservation Area
  - Pike County Conservation Area
  - Rockhouse Creek (Monroe County)
  - Saline County Conservation Area
- b) Statewide regulations shall apply except that all hunters must check in and out and report turkeys harvested at the check station for the following sites:
  - Anderson Lake Conservation Area
  - Fort de Chartres - muzzleloading shotgun or archery only.
  - Giant City State Park - hunting allowed only in designated zones.
  - Kaskaskia River State Fish and Wildlife Area - south of Highway 154 only.
  - Pere Marquette State Park - designated open zone in southeast portion of the Park only.
  - Trail of Tears State Forest
  - Turkey Bluffs Fish and Wildlife Area
  - Union County Conservation Area - Firing line management unit



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## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Adopted Amendments: This rulemaking defines Social Security Act Title XIX terms that are applicable to the Child Support Enforcement program. It also adds children receiving AFDC MANG to the list of "IV-D cases". In addition, whenever a family ceases to receive AFDC MANG, IV-D services will be continued without filing a new application.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

**Name:** Mark A. Iocca  
Office of the General Counsel

**Address:** Illinois Department of Public Aid  
Jesse B. Harris Building II  
100 South Grand Avenue East, 3rd Floor  
Springfield, Illinois 62762

**Telephone:** (217) 782-1233

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

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER f: COLLECTIONS

PART 160  
CHILD SUPPORT ENFORCEMENT

SUBPART A: CHILD SUPPORT ENFORCEMENT

Section  
160.1 Incorporation By Reference  
160.5 Definitions  
160.10 Child Support Enforcement Program  
160.20 Assignment of Rights to Support

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section  
160.30 Cooperation With Support Enforcement Program  
160.35 Good Cause For Failure to Cooperate With Support Enforcement  
160.40 Proof of Good Cause For Failure to Cooperate With Support Enforcement  
160.45 Suspension of Child Support Enforcement Upon Finding of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF CHILD SUPPORT ORDERS

Section  
160.60 Establishment of Support Obligations  
160.65 Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section  
160.70 Enforcement of Support Orders  
160.75 Withholding of Income to Secure Payment of Support  
160.80 Amnesty - 20% Charge

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section  
160.90 Earmarking Child Support Payments



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amended at 12 III. Reg. 22278, effective January 1, 1989; amended at 13 III. Reg. 4268, effective March 21, 1989; amended at 13 III. Reg. 7761, effective May 22, 1989; amended at 13 III. Reg. 14385, effective September 1, 1989; amended at 13 III. Reg. 16768, effective October 12, 1989; amended at 14 III. Reg. 18759, effective November 9, 1990; amended at 15 III. Reg. 1034, effective January 21, 1991; amended at 16 III. Reg. 1852, effective January 20, 1992.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART A: CHILD SUPPORT ENFORCEMENT

Section 160.5 Definitions

"AFDC" refers to the Aid to Families with Dependent Children Program, Title IV-A of the Social Security Act (42 U.S.C. 601 et seq.) that is financial and medical assistance available to families with one or more dependent children or on behalf of dependent children in foster care under the guardianship of the Department of Children and Family Services.

"MANG" refers to Medical Assistance No Grant under the Medicaid Program, Title XIX of the Social Security Act (42 U.S.C. 1396k), that is medical assistance to families and individuals wherein no cash payment is made.

"AFDC MANG" refers to Medical Assistance No Grant cases in which medical assistance only is available to families with one or more dependent children.

"AFDC recipient" refers to a person who is receiving financial and medical assistance under the AFDC program in the current month.

"AFDC MANG recipient" refers to a member of a family with one or more dependent children receiving medical assistance only in the current month.

"Assignment of Medical Support" refers to the transfer of support rights to the Department by the acceptance of Medicaid benefits under 42 U.S.C. 1396k and Section 10-1 of the Illinois Public Aid Code.

"Assignment of support" refers to the transfer of support rights to the Department by the acceptance of

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

160.100	Distribution Of Child Support For AFDC Recipients
160.110	Distribution Of Child Support For Former AFDC Recipients Who Continue To Receive Child Support Enforcement Services
160.120	Distribution Of Child Support Collected While The Client Was An AFDC Recipient, But Not Yet Distributed At The Time The AFDC Case Is Cancelled
160.130	Distribution Of Intercepted Income Tax Refunds and Other State Payments
160.132	Distribution Of Child Support For Non-AFDC Clients
160.134	Distribution Of Child Support For Interstate Cases
160.136	Distribution Of Support Collected In IV-E Foster Care Maintenance Cases
160.138	Distribution Of Child Support For Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

160.140 Statement Of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

160.150	Department Review Of Distribution Of Child Support For AFDC Recipients
160.160	Department Review Of Distribution Of Child Support For Former AFDC Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, 10-1 et seq., 12-4.3, and 12-13 of the Illinois Public Aid Code (11. Rev. Stat. 1989, ch. 23, pars. 4-1.7, 10-1 et seq., 12-4.3 and 12-13)

SOURCE: Recodified from 89 III. Adm. Code 112.78 through 112.86 and 112.88 at 10 III. Reg. 11928; amended at 10 III. Reg. 19990, effective November 14, 1986; emergency amendment at 11 III. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 III. Reg. 9129, effective April 30, 1987; amended at II III. Reg. 15208, effective August 31, 1987; emergency amendment at 11 III. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 III. Reg. 9065, effective May 16, 1988; amended at 12 III. Reg. 18185, effective November 4, 1988; emergency amendment at 12 III. Reg. 20835, effective December 2, 1988, for a maximum of 150 days;



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## NOTICE OF ADOPTED AMENDMENTS

## Section 160.5 Definitions (Cont'd)

AFDC benefits, pursuant to 42 U.S.C. 602(a)(26)(A) and Section 10-1 of The Illinois Public Aid Code (Ill. Rev. Stat.-1987, 1989 ch. 23, par. 10-1).

"Cancellation" refers to the discontinuance of AFDC financial and medical benefits for an assistance unit because of the failure to satisfy the conditions of eligibility under the Title IV-A State Plan.

"Child support enforcement services" refers to those services provided to establish, enforce and collect support, in accordance with an approved State Plan under Title IV-D of the Social Security Act (42 U.S.C. 654).

"Family Support Information System" or "FSIS" refers to the data processing system used to process all IV-D cases in Illinois.

"IV-D account receivable" or "support account" refers to a part of the accounting system in FSIS used to record charges, payments, and account adjustments for a particular account. More than one account may exist for a given caretaker relative and for a given responsible relative. For example, a mother with two children by one father from one marriage, and three children by a second father from another marriage, will have two support accounts if there are two separate support obligations. If children are born in a non-marital relationship, there will be one account per child.

"IV-D program" or "IV-D" refers to the child support program set forth in 42 U.S.C. 651 et seq. and this Part of the Department administrative rules.

"Responsible relative" refers to a person who is responsible, or alleged to be responsible, under law for support of a dependent.

"Support case" refers to a case established in the FSIS for the purpose of providing establishment, enforcement and collection services to dependent children and their custodial parent, in accordance with the provisions of Title IV-D of the Social Security Act (42 U.S.C. 654).

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## Section 160.5 Definitions (Cont'd)

"Support obligation" refers to the duty a non-custodial relative owes to his or her dependents, as set forth in a legally-valid court or administrative order.

"Unreimbursed AFDC" refers to the total amount of financial assistance provided to a family unit, in accordance with Title IV-A of the Social Security Act (42 U.S.C. 601 et seq.) for which the State and Federal governments have not been reimbursed. The State and Federal governments are limited in the amount of support payments they may retain for "unreimbursed AFDC", in accordance with the provisions set forth in Sections 160.100, 160.110 and 160.130 of this Part. The "amount of unreimbursed assistance accrued prior to the AFDC cancellation", reported in the Department's "Statements of Child Support Account Activity for Former Recipients" (see Section 160.140), is that limited amount which the Department is entitled to retain.

(Source: Amended at 16 Ill. Reg. 1852, effective January 20, 1992)

## Section 160.10 Child Support Enforcement Program

- a) Under Title IV-D of the Social Security Act (42 U.S.C. 651 et seq.) the Department undertakes to establish, modify, enforce and collect child and spouse support obligations from responsible relatives as defined in 89 Ill. Adm. Code 103.10. "IV-D cases" consist of:
- 1) children receiving AFDC;
  - 2) children receiving AFDC MANG;
  - 2)3) children receiving foster care maintenance payments under Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.);
  - 2)4) a spouse or former spouse when the former spouse/spouse lives with the child;
  - 4)5) former AFDC recipients following AFDC cancellation pursuant to subsection (g) below;



NOTICE OF ADOPTED AMENDMENTS

Section 160.10 Child Support Enforcement Program (Cont'd)

§5) persons not receiving AFDC, AFDC MANG, or Foster Care Services under Title IV-E upon application to the Department for such services; and

7) persons receiving AFDC/MANG that previously received AFDC cash assistance;

6) persons similarly situated to subsections (1) through (5) above and receiving Title IV-D support services in other states.

b) Title IV-D is implemented by the Department through its Division of Child Support Enforcement.

c) The Division of Child Support Enforcement has sole responsibility for:

- 1) identifying and locating the absent parent;
- 2) establishing the percentage of a child born out of wedlock;
- 3) establishing support obligations;
- 4) enforcing and collecting support;
- 5) receiving and distributing support payments;
- 6) maintaining accurate records of location and support activities; and
- 7) advising the local office of circumstances which may affect the family's eligibility for AFDC or AFDC MANG (e.g., the father is living in the home, or a child no longer lives in the home, etc.).

d) For Title IV-D children, the Department determines financial ability and establishes the support obligation of the absent parent through order of the court or through administrative process in accordance with Section 160.60.

e) The Department shall explain to each AFDC applicant or recipient his/her responsibility to cooperate with the Department in obtaining support from absent parents

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Section 160.10 Child Support Enforcement Program (Cont'd)

and enforcing support obligations and the consequence of noncooperation.

f) whenever a family ceases to receive AFDC cash assistance IV-E foster care or medical assistance, the Department shall notify the family that Title IV-D services will be continued unless the family advises the Department that it does not wish to receive Title IV-D services. Additionally, the notice shall advise that no application or application fee is required. Finally, the notice shall also include a description of the Title IV-D services available from the Department and information on the Department's cost recovery (e.g., filing fees) and distribution policies (45 CFR 302.33(d) and 303.7(d)(4) and (5) and 302.33(a)(3) (1989)).

g) whenever a family ceases to receive AFDC MANG assistance:

1) if the family previously received AFDC cash assistance, IV-D services shall be continued without the filing of a new application as explained in (f) above, or

2) if the family did not previously receive AFDC cash assistance, IV-D services shall be continued without the filing of a new application as explained in (f) above.

(Source: Amended at 16 Ill. Reg. 1852, effective January 20, 1992)

Section 160.20 Assignment of Rights to Support

a) BY ACCEPTING ASSISTANCE-FINANCIAL AID UNDER THE AFDC PROGRAM PUBLIC AID CODE, A SPOUSE OR A PARENT OR OTHER PERSON HAVING CUSTODY OF A CHILD SHALL BE DEEMED TO HAVE MADE ASSIGNMENT TO THE DEPARTMENT OF ANY AND ALL RIGHTS, TITLE, AND INTEREST IN ANY SUPPORT OBLIGATIONS UP TO THE AMOUNT OF ASSISTANCE PROVIDED. THE RIGHTS TO SUPPORT ASSIGNED TO THE DEPARTMENT SHALL CONSTITUTE AN OBLIGATION OWED TO THE STATE BY THE PERSON WHO IS RESPONSIBLE FOR PROVIDING THE SUPPORT, AND SHALL BE COLLECTIBLE UNDER ALL APPLICABLE PROCESSES (Section



## DEPARTMENT OF PUBLIC AID

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## Section 160.20 Assignment of Rights to Support (Cont'd)

10-1 of the Illinois Public Aid Code, (Ill. Rev. Stat. 1985, 1989 ch. 23, par. 10-1)).

- b) For an explanation of assignment of medical support, see 89 Ill. Adm. Code 112.54, Assignment of Medical Support Rights and also 89 Ill. Adm. Code 120.319, Assignment of Rights to Medical Support and Collection of Payments.

(Source: Amended at 16 Ill. Reg. 1852, effective January 20, 1992)

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## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers:            Adopted Action:

120.319	Amendment
120.320	Amendment
120.321	Amendment
120.322	Amendment
120.323	Amendment
- 4) Statutory Authority: Sections 5-2.2, 10-1 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-2.2, 10-1 and 12-13)
- 5) Effective Date of Adopted Amendments: January 20, 1992
- 6) Does this rulemaking contain an automatic repeal date?  
    Yes     No
- 7) Does this Adopted Amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 20, 1992
- 9) Notices of Proposal Published in Illinois Register:  
    January 25, 1991 (15 Ill. Reg. 833)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: Based on comments received by the Joint Committee on Administrative Rules, the following changes were made:
  - under Section 120.320(a)(2) the misspelled word "behlaf" is changed to "behalf";
  - under Section 120.321(c), after "160.35," the word "shall" is inserted; and
  - under Section 120.323(a) the "comma" after the word "payments" is deleted.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes



13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

120.11 Amendment November 15, 1991 (15 Ill. Reg. 16625)

120.31 Amendment November 15, 1991 (15 Ill. Reg. 16625)

120.60 Amendment November 15, 1991 (15 Ill. Reg. 16625)

120.64 Amendment November 15, 1991 (15 Ill. Reg. 16625)

120.80 Amendment November 22, 1991 (15 Ill. Reg. 16856)

120.336 Amendment December 20, 1991 (15 Ill. Reg. 18097)

120.382 Amendment November 15, 1991 (15 Ill. Reg. 16625)

120.390 Amendment November 15, 1991 (15 Ill. Reg. 16625)

120.391 Amendment November 15, 1991 (15 Ill. Reg. 16625)

15) Summary and Purpose of Adopted Amendments: This rulemaking revises the provisions regarding the assignment to the Department of medical support rights by persons accepting medical assistance. In addition, the rulemaking adds a provision that any suspension of activities to establish paternity or medical support payments will be in accordance with 89 Ill. Adm. Code 160.45. Technical citation corrections due to recodification are also being made.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Mark A. Iocca, Staff Attorney  
Office of the General Counsel

Address: Illinois Department of Public Aid  
Jesse B. Harris Building II  
100 South Grand Avenue East, 3rd Floor  
Springfield, Illinois 62762

Telephone: (217) 782-1233

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



DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120  
MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section  
120.1 Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section  
120.10 Eligibility For Medical Assistance  
120.11 Eligibility For Medical Assistance For Pregnant  
Women and Children Under Age Eight Who Do Not  
Qualify As Mandatory Categorically Needy  
120.12 Healthy Start - Medicaid Presumptive Eligibility  
Program For Pregnant Women  
120.20 MANG(AABD) Income Standard  
120.30 MANG(C) Income Standard  
120.31 MANG(P) Income Standard  
120.40 Exceptions To Use Of MANG Income Standard  
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section  
120.60 All Cases Other Than Intermediate Care, Skilled  
Nursing Care, DMHDD, DMHDD Approved Community Based  
Settings and Pregnant Women and Children Under Age  
Eight Who Do Not Qualify As Mandatory Categorically  
Needy  
120.61 Cases in Intermediate Care, Skilled Nursing Care and  
DMHDD - MANG(AABD) and All Other Licensed Medical  
Facilities  
120.62 Department of Mental Health and Developmental  
Disabilities (DMHDD) Approved Home and Community  
Based Residential Settings Under 89 Ill. Adm. Code  
140.643  
120.63 Department of Mental Health and Developmental  
Disabilities (DMHDD) Approved Home and Community  
Based Residential Settings  
120.64 Pregnant Women and Children Under Age Six Years Who  
Do Not Qualify As Mandatory Categorically Needy

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

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Section  
120.70 Supplementary Medical Insurance Benefits, Buy-In  
Program  
120.72 Eligibility for Medicare Cost Sharing as a Qualified  
Medicare Beneficiary (QMB)  
120.74 Qualified Medicare Beneficiary (QMB) Income Standard  
120.76 Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section  
120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section  
120.90 Migrant Medical Program  
120.91 Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section  
120.200 Elimination Of Aid To The Medically Indigent  
120.208 Client Cooperation (Repealed)  
120.210 Citizenship (Repealed)  
120.211 Residence (Repealed)  
120.212 Age (Repealed)  
120.215 Relationship (Repealed)  
120.216 Living Arrangement (Repealed)  
120.217 Supplemental Payments (Repealed)  
120.218 Institutional Status (Repealed)  
120.224 Foster Care Program (Repealed)  
120.225 Social Security Numbers (Repealed)  
120.230 Unearned Income (Repealed)  
120.235 Exempt Unearned Income (Repealed)  
120.236 Education Benefits (Repealed)  
120.240 Unearned Income In-Kind (Repealed)  
120.245 Earmarked Income (Repealed)  
120.250 Lump Sum Payments and Income Tax Refunds (Repealed)  
120.255 Protected Income (Repealed)  
120.260 Earned Income (Repealed)



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

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14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg.



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12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 111. Reg. 14034, effective August 14, 1987; amended at 11 111. Reg. 14763, effective August 26, 1987; amended at 11 111. Reg. 20142, effective January 1, 1988; amended at 11 111. Reg. 20898, effective December 14, 1987; amended at 12 111. Reg. 904, effective January 1, 1988; amended at 12 111. Reg. 3516, effective January 22, 1988; amended at 12 111. Reg. 6234, effective March 22, 1988; amended at 12 111. Reg. 8672, effective May 13, 1988; amended at 12 111. Reg. 9132, effective May 20, 1988; amended at 12 111. Reg. 11483, effective June 30, 1988; emergency amendment at 12 111. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 111. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 111. 13243, effective July 22, 1988; emergency amendment at 12 111. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 111. Reg. 17867, effective October 30, 1988; amended at 12 111. Reg. 19704, effective November 15, 1988; amended at 12 111. Reg. 20188, effective November 23, 1988; amended at 13 111. Reg. 116, effective January 1, 1989; amended at 13 111. Reg. 2081, effective February 3, 1989; amended at 13 111. Reg. 3908, effective March 10, 1989; emergency amendment at 13 111. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 111. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 111. Reg. 15404, effective October 6, 1989; emergency amendment at 13 111. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 111. Reg. 17483, effective October 31, 1989; amended at 13 111. Reg. 17838, effective November 8, 1989; amended at 13 111. Reg. 18872, effective November 17, 1989; amended at 14 111. Reg. 760, effective January 1, 1990; emergency amendment at 14 111. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 111. Reg. 4233, effective March 5, 1990; emergency amendment at 14 111. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 111. Reg. 6372, effective April 16, 1990; amended at 14 111. Reg. 7637, effective May 10, 1990; amended at 14 111. Reg. 10396, effective June 20, 1990; amended at 14 111. Reg. 13227, effective August 6, 1990; amended at 14 111. Reg. 14814, effective September 3, 1990; amended at 14 111. Reg. 17004, effective September 30, 1990; emergency amendment at 15 111. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 111. Reg. 5302, effective April 1, 1991; amended at 15 111. Reg. 10101, effective June 24, 1991; amended at 15 111. Reg. 11973, effective August 12, 1991; amended at 15 111. Reg. 12747, effective August 16, 1991; amended at 15 111. Reg. 14105, effective September 11, 1991; amended at 15 111.

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Reg. 14240, effective September 23, 1991; amended at 16 111. Reg. 139, effective December 24, 1991; amended at 16 111. Reg. 1862, effective January 20, 1992.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section 120.319 Assignment of Rights to Medical Support and Collection of Payment

- a) As a condition of eligibility for medical assistance an applicant is required to assign to the Department the rights of the individual whose eligible for medical assistance and whose behavior the applicant has the legal authority to execute an assignment of such rights.
- b) The rights of any other person who is eligible for medical assistance and on whose behalf the individual has the legal authority to execute an assignment of such rights, to support (specified as support for the purposes of medical care by a court or administrative order) and to a parent for medical care from any third party.

1) By accepting medical assistance under the Public Aid Code (111. Rev. Stat. 1989, ch. 23, par. 5-2), a custodial relative, spouse, or a parent shall be deemed to have made assignment to the Department of any and all rights, title, and interest in any medical support obligations up to the amount of medical assistance provided (111. Rev. Stat. 1989, ch. 23, par. 10-1). The rights to medical support assigned to the Department shall constitute an obligation owed to the State by the person who is responsible for providing the support and is collectable under all available processes.

2) This right includes the rights of any individual or any other person who is eligible for medical assistance and on whose behalf the individual has the legal authority to execute an assignment of such rights, to support (specified as support for the purposes of medical care by a court or administrative order) and to a parent for medical care from any third party.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 120.319 Assignment of Rights to Medical Support and Collection of Payment (Cont'd)

- b) To enforce and collect these payments, the State Medicaid agency may enter into cooperative agreements with the State IV-D agency (i.e., the ~~Bureau-Division~~ of Child Support Enforcement within the Department of Public Aid) and other appropriate agencies, courts and law enforcement officials, to assist in making collections.
- c) Amounts of medical support or third party payments collected under this assignment shall be retained by the Department as necessary, to reimburse the Department for medical assistance payments made on behalf of an individual for whom an assignment was executed. Any remaining amount of such collection shall be paid to the individual who executed the assignment.
- d) When an individual is no longer receiving medical assistance the assignment of medical support rights terminates except for any medical support owed to the Department for the period of time medical assistance was issued.

(Source: Amended at 16 Ill. Reg. 1862, effective January 20, 1992)

## Section 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support

- a) In accordance with 89 Ill. Adm. Code 160.30, as As-a condition of eligibility for medical assistance a caretaker relative or spouse included in the assistance unit, who assigned to the Department his/her rights to medical support, shall cooperate with the Department in:
  - 1) establishing the paternity of a child born out of wedlock, for whom the individual can legally assign rights; and
  - 2) obtaining medical support and payments on his or her own behalf and on ~~behalf~~ behalf of those persons for whom the client has assigned rights.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support (Cont'd)

- b) Cooperating with the Department in establishing paternity and obtaining medical support payments includes:
  - 1) appearing at such places as the Department's offices or the offices of the Department's legal representative, as necessary, to provide information or evidence, known to, possess by or reasonably obtainable by the client (e.g. identity/location of the legally responsible relative, or identity/location of a third party who has information regarding the legally responsible relative), or attest to the lack of information under penalty of perjury;
  - 2) appearing and testifying as a witness at judicial proceedings;
  - 3) paying to the Department any medical support payments or third party payments for medical care; and
  - 4) taking any other reasonable steps to assist in establishing paternity and securing medical support and payments (e.g. signing legal documents (complaints), submitting to blood tests).
- c)
  - 1) If the caretaker and his/her spouse are in the home and included in the assistance unit, both must comply with the cooperation requirements unless the Department determines the individual is exempt from cooperation for good cause. A caretaker relative or spouse who fails or refuses without good cause, to cooperate in ~~assigning-support-rights,~~ establishing paternity or securing medical support, shall be excluded from the medical assistance unit.
  - 2) The remaining eligible assistance unit members, shall be authorized medical assistance through a representative payee, until such time as the person meets the cooperation requirement. A



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Section 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support (Cont'd)  
representative payee is a specified relative in all cases other than those listed in 89 Ill. Adm. Code 117.10.  
(Source: Amended at 16 Ill. Reg. 1862, effective January 20, 1992)

Section 120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support  
The Department shall inform the caretaker relative of his/her right to claim an exemption from cooperation, based on a claim of good cause.  
a) With respect to claiming good cause for exemption as not in the best interests of a child for whom an assignment was executed, the Department's Good Cause policy at 89 Ill. Adm. Code-112-81.160.35, shall apply.  
c) With respect to claiming good cause for exemption as not in the best interests of the caretaker relative or any individual other than the child for whom an assignment was executed, the Department's Good Cause policy at 89 Ill. Adm. Code-112-81.160.35, shall apply excluding those parts applicable only to children.  
(Source: Amended at 16 Ill. Reg. 1862, effective January 20, 1992)

Section 120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support  
a) With respect to the caretaker relative proving/ documenting a claim of good cause as not in the best interest of the child, the Department's Proof of Good Cause policy at 89 Ill. Adm. Code-112-81.160.40, shall apply.  
b) With respect to the caretaker relative proving/ documenting a claim of good cause as not in the best interest of a person other than a child, the

NOTICE OF ADOPTED AMENDMENTS

Section 120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support (Cont'd)  
Department's Proof of Good Cause policy at 89 Ill. Adm. Code-112-81.160.40, shall apply, excluding those parts applicable only to children.  
(Source: Amended at 16 Ill. Reg. 1862, effective January 20, 1992)

Section 120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause  
a) Upon a caretaker relative's claim of good cause, the Department will suspend all activities to establish paternity or secure medical support payments until a final determination is made on the good cause claim.  
b) The Department shall not undertake to establish paternity or secure medical support payments when the Department determines that good cause for exemption exists.  
c) This suspension shall be in accordance with 89 Ill. Adm. Code 160.45, Suspension of Child Support Enforcement Upon Finding of Good Cause.  
(Source: Amended at 16 Ill. Reg. 1862, effective January 20, 1992)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: MEDICAL PAYMENT
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.646  
Adopted Action: Amendment
- 4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)
- 5) Effective Date of Adopted Amendment: January 24, 1992
- 6) Does this rulemaking contain an automatic repeal date?  
 Yes  No
- 7) Does this Adopted Amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 24, 1992
- 9) Notice of Proposal Published in Illinois Register: May 10, 1991 (15 Ill. Reg. 6949)
- 10) Has JCAR issued a Statement of Objections to this Adopted Amendment? No
- 11) Differences between proposal and final version:  
Second Notice change:  
Subsection (c)(3).  
changed "returned to" to "received by" after "DT attendance records should be".  
JCAR changes:  
(c)(2) - decapitalized "Subsection" and changed "c(1)" to "(c)(1)".  
(e)(3) - decapitalized "Subsection" and changed "e(2)(B)" to "(e)(2)(B)".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

- 13) Will this Adopted Amendment replace an Emergency Amendment currently in effect? No

- 14) Are there any Amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.11	Amendment	May 10, 1991 (15 Ill. Reg. 6949)
140.27	Amendment	January 3, 1992 (16 Ill. Reg. 65)
140.94	Amendment	November 8, 1991 (15 Ill. Reg. 15933)
140.95	Amendment	November 8, 1991 (15 Ill. Reg. 15933)
140.440	Amendment	August 30, 1991 (15 Ill. Reg. 12171)
140.441	Amendment	August 30, 1991 (15 Ill. Reg. 12171)
140.442	Amendment	August 30, 1991 (15 Ill. Reg. 12171)
140.449	Amendment	August 30, 1991 (15 Ill. Reg. 12171)
140.469	Amendment	September 20, 1991 (15 Ill. Reg. 13685)
140.512	Amendment	September 13, 1991 (15 Ill. Reg. 13274)
140.513	Amendment	September 13, 1991 (15 Ill. Reg. 13274)
140.514	Amendment	August 16, 1991 (15 Ill. Reg. 11555)
140.526	Repealed	January 10, 1992 (16 Ill. Reg. 472)
140.527	Repealed	January 10, 1992 (16 Ill. Reg. 472)



Section Numbers Proposed Action Illinois Register Citation

140.610	New Section	January 10, 1992	(16 Ill. Reg. 472)
140.612	New Section	January 10, 1992	(16 Ill. Reg. 472)
140.614	New Section	January 10, 1992	(16 Ill. Reg. 472)
140.646	Amendment	May 10, 1991	(15 Ill. Reg. 6949)
140.835	Repealed	November 8, 1991	(15 Ill. Reg. 15933)

15) Summary and Purpose of Adopted Amendment: This rulemaking

provides for actions that will be imposed on nursing facilities for failure to timely pass through payments to Developmental Training Agencies.

16) Information and questions regarding this Adopted Amendment shall be directed to:

Name: Daniel C. Leikvold, Staff Attorney

Office of the General Counsel

Address: Illinois Department of Public Aid

Jesse B. Harris Building II

100 South Grand Avenue East, 3rd Floor

Springfield, Illinois 62762

Telephone: (217) 782-1233

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

Section Numbers Proposed Action Illinois Register Citation

140.528	-Repealed	January 10, 1992	(16 Ill. Reg. 472)
140.529	Repealed	January 10, 1992	(16 Ill. Reg. 472)
140.530	Amendment	November 8, 1991	(15 Ill. Reg. 15933)
140.538	Amendment	November 8, 1991	(15 Ill. Reg. 15933)
140.539	Amendment	January 10, 1992	(16 Ill. Reg. 472)
140.552	Amendment	November 8, 1991	(15 Ill. Reg. 15933)
140.560	Amendment	April 19, 1991	(15 Ill. Reg. 5585)
140.561	Amendment	May 17, 1991	(15 Ill. Reg. 7482)
140.562	Amendment	November 8, 1991	(15 Ill. Reg. 15933)
140.565	Amendment	January 24, 1992	(16 Ill. Reg. 1492)
140.569	Amendment	November 8, 1991	(15 Ill. Reg. 15933)
140.583	Amendment	November 8, 1991	(15 Ill. Reg. 15933)

140.600 New Section  
January 10, 1992  
(16 Ill. Reg. 472)

140.602 New Section  
January 10, 1992  
(16 Ill. Reg. 472)

140.604 New Section  
January 10, 1992  
(16 Ill. Reg. 472)

140.608 New Section  
January 10, 1992  
(16 Ill. Reg. 472)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140  
MEDICAL PAYMENT

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140.1	Incorporation By Reference
140.2	Medical Assistance Programs
140.3	Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify As Mandatory Categorically Needy
140.4	Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5	Covered Medical Services Under GA
140.6	Medical Services Not Covered
140.7	Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
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140.9	Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10	Medical Assistance Provided to Incarcerated Persons

## SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section	
140.11	Enrollment Conditions for Medical Providers
140.12	Participation Requirements for Medical Providers
140.13	Definitions
140.14	Denial of Application to Participate in the Medical Assistance Program
140.15	Recovery of Money
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140.17	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

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140.18	Effect of Termination on Individuals Associated with Vendor
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140.20	Submittal of Claims
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140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited
140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for items or Services When Prior Approval Cannot Be Obtained
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
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140.73	Drug Manual Updates (Recodified)

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140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
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140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
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140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
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140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)



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140.510	Determination of Need for Group Care
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	140.902	Functional Areas of Needs (Recodified)
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General Description



## DEPARTMENT OF PUBLIC AID

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**AUTHORITY:** Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

**SOURCE:** Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; preemptory

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amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; preemptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; preemptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; preemptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10



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28, 1988, for a maximum of 150 days; amended at 12 III. Reg. 16738, effective October 5, 1988; amended at 12 III. Reg. 17879, effective October 24, 1988; amended at 12 III. Reg. 18198, effective November 4, 1988; amended at 12 III. Reg. 19396, effective November 6, 1988; amended at 12 III. Reg. 19734, effective November 15, 1988; amended at 13 III. Reg. 125, effective January 1, 1989; amended at 13 III. Reg. 2475, effective February 14, 1989; amended at 13 III. Reg. 3069, effective February 28, 1989; amended at 13 III. Reg. 3351, effective March 6, 1989; amended at 13 III. Reg. 3917, effective March 17, 1989; amended at 13 III. Reg. 5115, effective April 3, 1989; amended at 13 III. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 III Adm. Code 146.225 at 13 III. Reg. 7040; amended at 13 III. Reg. 7025, effective April 24, 1989; amended at 13 III. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 III. Adm. Code 148.10 thru 148.390 at 13 III. Reg. 9572; emergency amendment at 13 III. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 III. Reg. 11516, effective July 3, 1989; amended at 13 III. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 III. Adm. Code 148.120 at 13 III. Reg. 12118; amended at 13 III. Reg. 12562, effective July 17, 1989; amended at 13 III. Reg. 14391, effective August 31, 1989; emergency amendment at 13 III. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 III. Reg. 16992, effective October 16, 1989; amended at 14 III. Reg. 190, effective December 21, 1989; amended at 14 III. Reg. 2564, effective February 9, 1990; emergency amendment at 14 III. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 III. Reg. 4543, effective March 12, 1990; emergency amendment at 14 III. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 III. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 III. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 III. Reg. 7141, effective April 27, 1990; emergency amendment at 14 III. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 III. Reg. 10409, effective June 12, 1990; emergency amendment at 14 III. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 III. Reg. 13262, effective August 6, 1990; emergency amendment at 14 III. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 III. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 III. Reg. 14826, effective August 31, 1990; amended at 14 III. Reg. 15366,

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III. Reg. 3041, effective January 24, 1986; amended at 10 III. Reg. 6981, effective April 16, 1986; amended at 10 III. Reg. 7825, effective April 30, 1986; amended at 10 III. Reg. 8128, effective May 7, 1986; emergency amendment at 10 III. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 III. Reg. 11440, effective June 20, 1986; amended at 10 III. Reg. 14714, effective August 27, 1986; amended at 10 III. Reg. 15211, effective September 12, 1986; emergency amendment at 10 III. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 III. Reg. 18808, effective October 24, 1986; amended at 10 III. Reg. 19742, effective November 12, 1986; amended at 10 III. Reg. 21784, effective December 15, 1986; amended at II III. Reg. 698, effective December 19, 1986; amended at II III. Reg. 1418, effective December 31, 1986; amended at II III. Reg. 2323, effective January 16, 1987; amended at II III. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 III. Adm. Code 141 at II III. Reg. 4302; amended at II III. Reg. 4303, effective March 6, 1987; amended at II III. Reg. 7664, effective April 15, 1987; emergency amendment at II III. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at II III. Reg. 9169, effective April 28, 1987; amended at II III. Reg. 10903, effective June 1, 1987; amended at II III. Reg. 11528, effective June 22, 1987; amended at II III. Reg. 12011, effective June 30, 1987; amended at II III. Reg. 12290, effective July 6, 1987; amended at II III. Reg. 14048, effective August 14, 1987; amended at II III. Reg. 14771, effective August 25, 1987; amended at II III. Reg. 16758, effective September 28, 1987; amended at II III. Reg. 17295, effective September 30, 1987; amended at II III. Reg. 18696, effective October 27, 1987; amended at II III. Reg. 20909, effective December 14, 1987; amended at 12 III. Reg. 916, effective January 1, 1988; emergency amendment at 12 III. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 III. Reg. 5427, effective March 15, 1988; amended at 12 III. Reg. 6246, effective March 16, 1988; amended at 12 III. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 III. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 III. Reg. 7695, effective April 21, 1988; amended at 12 III. Reg. 10497, effective June 3, 1988; amended at 12 III. Reg. 10717, effective June 14, 1988; emergency amendment at 12 III. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 III. Reg. 12509, effective July 15, 1988; amended at 12 III. Reg. 14271, effective August 29, 1988; emergency amendment at 12 III. Reg. 16921, effective September



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effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174; effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART E: GROUP CARE

Section 140.646 Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities

- a) Residential providers are responsible for ensuring the provision of a continuous program of active treatment services for each resident (42 CFR 483.410(d) and 42 CFR 483.440). The Department (DPA) will reimburse SNF, ICF and ICF/MR facilities (including ICF/MR-15, Specialized Living Centers (SLC), and ICF/MR-SNF/PED) through a separate component of the per diem for DT services provided to residents who have developmental disabilities. Such individuals would be identified as

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Section 140.646 Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities (Cont'd)

needing DT by the facility's interdisciplinary team. The facilities may contract for these services from community providers whose programs are certified by the Department of Mental Health and Developmental Disabilities (DMHDD), or may provide their own DT if the DT Program is certified by the Department of Mental Health and Developmental Disabilities (DMHDD), and conducted by staff of the DT program. The DT program is defined as the distinct part of a long term care or residential facility, or an independent business entity certified by DMHDD to provide DT services.

- b) Billing by the facility and payment by the Department for each month of active treatment services provided by the facility includes DT services.--Funds shall be passed through to the DT program within ten (10) working days of facility receipt of the payment from the Department, unless the facility itself operates the DT program.--Violation of this requirement, in addition to other penalties that may be incurred under Sections 140.16 and 140.17, shall constitute grounds for recovery of all funds not paid timely under this section.
- c) Timely Billing Flow-Through for DT Services
  - 1) Claims for reimbursement for DT services must be received by the Department no later than the close of business on the 16th day of the month following the previous month of DT services. If the 16th day of the month falls on a weekend, billing must be received by the Department no later than the close of business of the Friday before that weekend.
  - 2) If the billing for DT services is not received by the Department as specified in subsection (c)(1) above, a hold will be placed on the processing of the facility's claims for reimbursement and subsequent payment for services. The hold on



Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities (Cont'd)

processing of facility billing and payment for services will be lifted once the DT billing has been received.

3) The turnaround of DT attendance records from the DT provider to the facility must also be timely.

These records are utilized by the facility to complete billings forms for DT services. DT attendance records should be received by the facility by the 7th day of the month following the previous month of DT services. The facility must notify the Department five (5) working days before the 16th day of the month if the attendance records regarding DT services have not been returned to the facility. When DT billing is late due to a delay by the DT agency in submitting attendance records, no hold will be placed on facility billings or payments.

d) Timely Payment Flow-Through for DT Services

1) The facility must flow-through payments to the DT agency for DT services no later than ten (10) working days after facility receipt of the payment from the Department, unless the facility itself operates the DT program. The expected time frame for the DT agency to receive its flow-through payment is twenty (20) calendar days (5 days in the mail from the Department to the facility, no more than 10 days to issue payment, and 5 days in the mail from the facility to the DT agency). Facilities may incur penalties under Sections 140.16 and 140.17 for violations of this requirement.

When the Department is notified that reimbursement for DT services has not been received by the DT agency within the specified time frame, Department staff will contact the residential provider and request a copy of the cancelled check which was issued for DT services. If the facility is unable to demonstrate to the Department that the DT payment

2) 1) 2)

2)

Section 140.646

Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities (Cont'd)

has been received by the DT agency, the Department will take the actions provided in subsection (d)(3) below.

3)

If the DT payment has not been received by the DT agency within twenty (20) calendar days following Department release of the payment to the facility, a hold will be placed on the processing of facility billing and payment for facility services. The hold on facility billing and payment will be lifted when the DT agency has received the outstanding payment for services.

e) Change of Ownership/Operator

1)

Billing and payment for DT services must be processed and either paid in full or incurred as a debt whenever there is a change in ownership or licensed operator of a Medicaid funded residential facility. The transaction to change a licensed operator or transfer ownership must include a recognition of all debts of unprocessed and/or unpaid billings.

2)

The Department will not enter into a provider agreement with a residential provider unless:

A)

payment is made in full for all DT services by the previous owner/operator; or

B)

the amount is incurred as a debt to be paid in full by the new owner/operator within forty-five (45) calendar days after becoming the new owner/operator when the Department has paid the facility in full prior to the change in ownership or licensed operator for all DT services provided under the previous owner; or

C)

the amount is incurred as a debt to be paid in full by the new owner/operator within ten (10) working days after facility receipt of the payment from the Department, when such



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Section 140.646 Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities (Cont'd)

payment reaches the facility on or after the effective date of the change in ownership or licensed operator.

- 3) If the new owner/operator does not pay the full amount due the DT agency by the end of the forty-five (45) day period as specified in subsection (e)(2)(B) above, or by the end of the ten (10) day period as specified in subsection (e)(2)(C) above, a hold on the reimbursements will be implemented. The hold on facility billings and payment will be lifted after the DT agency has been paid in full for the indebted amount.

e)f) Providers of DT programs services will be responsible for providing any required transportation between the program and the facility. Reimbursement for transportation costs is included in the DT program monthly rate as established in Section 140.648. The DT Program contracting with a long term or residential facility may not elect to discontinue the provision of transportation.

e)g) The term Mentally Retarded and related conditions, as used in rules contained in Sections 140.646 - 140.652 refers to individuals meeting the definition of mental retardation or related conditions as described in 42 CFR 435.1009 (1989).

e)h) The term "facility" which is used in rules contained in Sections 140.646 - 140.652 is understood to refer to long term care facilities (ICF and SNF,) and residential facilities (ICF/MR, including ICF/MR-15, SLC, and ICF/MR-SNF/PED).

e)i) Persons with developmental disabilities who are residents of facilities, and whose public school special education services have been terminated, are deemed eligible for DT services.

e)j) DT programs shall be subject to review as part of the Department's evaluation of recipient care under its

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## NOTICE OF ADOPTED AMENDMENT

Section 140.646 Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities (Cont'd)

utilization and medical reviews of long term care and residential facilities (Section 140.512).

h)k) Payment may be approved for DT services, during a DT participant's hospitalization, for a period not to exceed 10 days. Such payments:

- 1) are limited to individuals who will be returning to the same facility,
- 2) are a daily rate at 75% of the individual's current DT per diem rate.

(Source: Amended at 16 Ill. Reg. 1877, effective January 24, 1992)



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## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS  
 CHAPTER I: DEPARTMENT OF AGRICULTURE  
 SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

PART 125  
 MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR  
 POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation

SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

125.290	Transportation
125.300	Special Services Relating to Meat and Other Products
125.305	Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section	
125.310	Application of Inspection
125.320	Facilities for Inspection
125.330	Sanitation
125.340	Operating Procedures
125.350	Ante-Mortem Inspection
125.360	Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370	Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380	Labeling and Containers
125.390	Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400	Definitions and Standards of Identity or Composition
125.410	Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1989, ch. 56 1/2, par. 301 et seq.) and The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 16).

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill.



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1990; 55 FR 34678, effective September 24, 1990; 55 FR 49826 and 50081, effective May 29, 1991; 56 FR 1359, effective September 3, 1991; 56 FR 22638, effective January 2, 1992; 56 FR 41445, effective September 20, 1991; 56 FR 67485, effective March 2, 1992).

b) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act. Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.

d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(d)(1). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration of the temporary approval.

e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act (III. Rev. Stat. 1989, ch. 147, par. 101 et seq.) and the rules adopted thereto (8 III. Adm. Code 600.120).

f) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government. With regard to the incorporated language in 9 CFR 317.6, labels is not applicable since all labels presently in use are in compliance with the rules of this Part.

h) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).

i) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged.

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Reg. 19818, effective November 12, 1986; peremptory amendment at II III. Reg. 1696, effective January 5, 1987; peremptory amendment at II III. Reg. 2930, effective January 23, 1987; peremptory amendment at II III. Reg. 9645, effective April 29, 1987; peremptory amendment at II III. Reg. 10321, effective May 15, 1987; peremptory amendment at II III. Reg. 11184, effective June 5, 1987; peremptory amendment at II III. Reg. 14830, effective August 25, 1987; peremptory amendment at II III. Reg. 18799, effective November 3, 1987; peremptory amendment at II III. Reg. 19805, effective November 19, 1987; peremptory amendment at II III. Reg. 2154, effective January 6, 1988; amended at II III. Reg. 3417, effective January 22, 1988; peremptory amendment at II III. Reg. 4879, effective February 25, 1988; peremptory amendment at II III. Reg. 6313, effective March 21, 1988; peremptory amendment at II III. Reg. 6819, effective March 29, 1988; peremptory amendment at II III. Reg. 13621, effective August 8, 1988; peremptory amendment at II III. Reg. 19116, effective November 1, 1988; peremptory amendment at II III. Reg. 20894, effective December 21, 1988; peremptory amendment at II III. Reg. 228, effective January 11, 1989; peremptory amendment at II III. Reg. 2160, effective February 13, 1989; amended at II III. Reg. 3696, effective March 13, 1989; peremptory amendment at II III. Reg. 15853, effective October 5, 1989; peremptory amendment at II III. Reg. 16838, effective October 11, 1989; peremptory amendment at II III. Reg. 17495, effective January 18, 1990; amended at II III. Reg. 3424, effective February 26, 1990; peremptory amendment at II III. Reg. 4953, effective March 23, 1990; peremptory amendment at II III. Reg. 11401, effective July 6, 1990; peremptory amendment at II III. Reg. 13355, effective August 20, 1990; peremptory amendment at II III. Reg. 16064, effective September 24, 1990; peremptory amendment at II III. Reg. 21060, effective May 29, 1991; peremptory amendment at II III. Reg. 620, effective January 2, 1991; peremptory amendment at II III. Reg. 1574, effective January 2, 1991; peremptory amendment at II III. Reg. 3117, effective September 3, 1991; peremptory amendment at II III. Reg. 8714, effective May 29, 1991; amended at II III. Reg. 8801, effective June 7, 1991; peremptory amendment at II III. Reg. 13976, effective September 20, 1991; peremptory amendment at II III. Reg. 1899, effective March 2, 1992.

a) The Department incorporates by reference 9 CFR 317.1 through 317.2(j)(10), 317.2(j)(12) through 317.4(d)(1), 317.5 through 317.6, 317.8, 317.10 through 317.14, 317.17 through 317.20(d) (1990; 55 FR 7289, effective August 28,

Section 125.260 Labeling, Marking and Containers

SUBPART B: MEAT INSPECTION



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.

- j) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.
- k) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.
- l) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.

(Source: Peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992)

## SUBPART C: POULTRY INSPECTION

## Section 125.380 Labeling and Containers

- a) The Department incorporates by reference 381.115 through 381.127, and 381.129 through 381.132(b)(1), 381.133 through 381.144(d) (1990; 55 FR 5976, effective March 23, 1990; 55 FR 7289, effective August 28, 1990; 55 FR 49826 and 50081, effective May 29, 1991; 56 FR 1359, effective September 3, 1991; 56 FR 22638, effective January 2, 1992; 56 FR 67485, effective March 2, 1992).
- b) Each shipping container and each immediate container containing inspected and passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.
- c) Immediate containers of poultry products packed in, bearing or containing any chemical additive shall bear a label naming the additive and the purpose of its use.
- d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

- e) The specific statements listed in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.
- f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto (8 Ill. Adm. Code 600.120).
- g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act and Section 125.60.
- h) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided the device or label is in compliance with Section 125.90.
- i) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(b)(1). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.
- k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 20.1.
- l) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.
- m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material



JOINT COMMITTEE ON ADMINISTRATIVE RULES

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ROOM 16-503

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10:00 A.M.

FEBRUARY 4, 1992

NOTICE: It is the policy of the Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules

509 South Sixth Street

Room 500

Springfield, Illinois 62701

AGENDA

- I. Approval of January 8, 1992 Minutes
- II. Review of Proposed Agency Rulemaking

Department of Children and Family Services

- 1. Financial Responsibility of Parents or Guardians of the Estates of Children (89 Ill. Adm. Code 352)  
-First Notice Published: 15 Ill. Reg. 13239 - 9-13-91  
-Expiration of Second Notice Period: 3-2-92

Department of Commerce and Community Affairs

- 2. Repeal of Employment and Training Assistance for Dislocated Workers (56 Ill. Adm. Code 2620)  
-First Notice Published: 15 Ill. Reg. 12964 - 9-6-91  
-Expiration of Second Notice: 2-13-92

- 3. Residential Energy Assistance Partnership Program (47 Ill. Adm. Code 100)  
-First Notice Published: 15 Ill. Reg. 14337 - 10-11-91  
-Expiration of Second Notice Period: 2-24-92

Department of Employment Security

- 4. Notices, Records, Reports (56 Ill. Adm. Code 2760)  
-First Notice Published: 15 Ill. Reg. 14023 - 9-27-91  
-Expiration of Second Notice Period: 2-13-92

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).

- n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.

- o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.

- p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.

- r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Peremptory amendment at 16 Ill. Reg. 1899, March 2, 1992) effective



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

Environmental Protection Agency

5. General Conditions of State of Illinois Grants for Sewage Treatment Under the Anti-Pollution Bond Act of 1970 (35 Ill. Adm. Code 360)  
-First Notice Published: 15 Ill. Reg. 15202 - 10-25-91  
-Expiration of Second Notice Period: 2-10-92
6. Procedures for Collection of Review and Evaluation Services Costs (35 Ill. Adm. Code 859)  
-First Notice Published: 15 Ill. Reg. 8438 - 6-7-91  
-Expiration of Second Notice Period: 3-2-92

Illinois Commerce Commission

7. Cellular Radio Exclusion (83 Ill. Adm. Code 760)  
-First Notice Published: 15 Ill. Reg. 14340 - 10-11-91  
-Expiration of Second Notice Period: 2-7-92

Illinois Student Assistance Commission

8. Guaranteed Loan Programs (23 Ill. Adm. Code 2720)  
-First Notice Published: 15 Ill. Reg. 15026 - 10-18-91  
-Expiration of Second Notice Period: 2-6-92

Department of Labor

9. Illinois Child Labor Law (56 Ill. Adm. Code 250)  
-First Notice Published: 15 Ill. Reg. 15862 - 11-8-91  
-Expiration of Second Notice Period: 2-24-92

Pollution Control Board

10. Management of Used and Waste Tires (35 Ill. Adm. Code 848)  
-First Notice Published: 15 Ill. Reg. 13004 - 9-6-91  
-Expiration of Second Notice Period: 2-21-92
11. Repeal of Management of Scrap Tires (35 Ill. Adm. Code 849)  
-First Notice Published: 15 Ill. Reg. 13265 - 9-13-91  
-Expiration of Second Notice Period: 2-28-92
12. Organic Material Emissions Standards and Limitations (35 Ill. Adm. Code 215)  
-First Notice Published: 15 Ill. Reg. 11059 - 8-2-91  
-Expiration of Second Notice Period: 3-2-92

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

13. Mobile Sources (35 Ill. Adm. Code 240)  
-First Notice Published: 15 Ill. Reg. 12109 - 8-30-91  
-Expiration of Second Notice Period: 3-2-92

Department of Professional Regulation

14. Illinois Physical Therapy Act (68 Ill. Adm. Code 1340)  
-First Notice Published: 15 Ill. Reg. 11369 - 8-9-91  
-Expiration of Second Notice Period: 2-6-92
15. Certified Shorthand Reporters Act (68 Ill. Adm. Code 1200)  
-First Notice Published: 15 Ill. Reg. 14369 - 10-11-91  
-Expiration of Second Notice Period: 2-7-92
16. Illinois Architecture Act (68 Ill. Adm. Code 1150)  
-First Notice Published: 15 Ill. Reg. 2492 - 2-15-91  
-Expiration of Second Notice Period: 2-10-92
17. Real Estate License Act of 1983 (68 Ill. Adm. Code 1450)  
-First Notice Published: 15 Ill. Reg. 14375 - 10-11-91  
-Expiration of Second Notice Period: 2-24-92
18. Interior Design Profession Title Act (68 Ill. Adm. Code 1255)  
-First Notice Published: 15 Ill. Reg. 17030 - 12-2-91  
-Expiration of Second Notice Period: 3-2-92

Department of Public Aid

19. Medical Payment (89 Ill. Adm. Code 140.440, 140.441, 140.442 and 140.449)  
-First Notice Published: 15 Ill. Reg. 12171 - 8-30-91  
-Expiration of Second Notice Period: 2-20-92
20. Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)  
-First Notice Published: 15 Ill. Reg. 14994 - 10-18-91  
-Expiration of Second Notice Period: 3-2-92
21. Medical Payment (89 Ill. Adm. Code 140)  
-First Notice Published: 15 Ill. Reg. 11555 - 8-16-91  
-Expiration of Second Notice Period: 3-2-92
22. General Assistance (89 Ill. Adm. Code 114)  
-First Notice Published: 15 Ill. Reg. 15008 - 10-18-91  
-Expiration of Second Notice Period: 3-2-92



AGENDA

Office of the State Fire Marshal

32. Hazardous Materials Emergency Response Reimbursement Standards (41 Ill. Adm. Code 270)  
-First Notice Published: 15 Ill. Reg. 14845 - 10-18-91  
-Expiration of Second Notice Period: 3-2-92

33. Boiler and Pressure Vessel Safety Rules and Regulations (41 Ill. Adm. Code 120)  
-First Notice Published: 15 Ill. Reg. 15823 - 11-8-91  
-Expiration of Second Notice Period: 3-2-92

III. Certification of No Objection to Proposed Rulemaking

IV. Review of Emergency Rulemaking and Peremptory Rulemaking

Department of Central Management Services

34. Pay Plan (80 Ill. Adm. Code 310) (Emergency)  
-Notice Published: 16 Ill. Reg. 711 - 1-10-92

Illinois Motor Vehicle Theft Prevention Council

35. Rules for the Award and Monitoring of Trust Funds (20 Ill. Adm. Code 1810) (Emergency)  
- Notice Published: 16 Ill. Reg. 732 - 1-10-92

Illinois Student Assistance Commission

36. Guaranteed Loan Programs (23 Ill. Adm. Code 2720) (Emergency)  
-Notice Published: 15 Ill. Reg. 18739 - 12-27-91

37. Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2733) (Emergency)  
-Notice Published: 15 Ill. Reg. 18748 - 12-27-91

Local Governmental Law Enforcement Officers Training Board

38. Illinois Police Training Act (20 Ill. Adm. Code 1720) (Emergency)  
-Notice Published: 16 Ill. Reg. 727 - 1-10-92

AGENDA

Department of Public Health

23. College Immunization Code (77 Ill. Adm. Code 694)  
-First Notice Published: 15 Ill. Reg. 6972 - 5-10-91  
-Expiration of Second Notice Period: 2-27-92

24. AIDS Drug Reimbursement Program (77 Ill. Adm. Code 692)  
-First Notice Published: 15 Ill. Reg. 14389 - 10-11-91  
-Expiration of Second Notice Period: 2-28-92

25. The Illinois Formulary for the Drug Product Selection Program (77 Ill. Adm. Code 790)  
-First Notice Published: 15 Ill. Reg. 15943 - 11-8-91  
-Expiration of Second Notice Period: 2-28-92

Department of Rehabilitation Services

26. Non-Financial Eligibility Criteria (89 Ill. Adm. Code 685)  
-First Notice Published: 15 Ill. Reg. 14392 - 10-11-91  
-Expiration of Second Notice Period: 2-27-92

Department of Revenue

27. Coin-Operated Amusement Device Tax (86 Ill. Adm. Code 460)  
-First Notice Published: 15 Ill. Reg. 15417 - 10-25-91  
-Expiration of Second Notice Period: 2-10-92

28. Automobile Renting Use Tax Regulations (86 Ill. Adm. Code 190)  
-First Notice Published: 15 Ill. Reg. 15958 - 11-8-91  
-Expiration of Second Notice Period: 2-27-92

29. Hotel Operators' Occupation Tax Act (86 Ill. Adm. Code 480)  
-First Notice Published: 15 Ill. Reg. 15422 - 10-25-91  
-Expiration of Second Notice Period: 2-27-92

30. Automobile Renting Occupation Tax (86 Ill. Adm. Code 180)  
-First Notice Published: 15 Ill. Reg. 15948 - 11-8-91  
-Expiration of Second Notice Period: 2-27-92

Secretary of State

31. Illinois Union Label Act (14 Ill. Adm. Code 175)  
-First Notice Published: 15 Ill. Reg. 16943 - 11-22-91  
-Expiration of Second Notice Period: 2-24-92



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

Department of Mental Health and Developmental Disabilities

39. Medicaid Community Mental Health Services Program (59 Ill. Adm. Code 132) (Emergency)  
-Notice Published: 16 Ill. Reg. 211 - 1-3-92

Department of Public Aid

40. Medical Payment (89 Ill. Adm. Code 140) (Emergency)  
-Notice Published: 16 Ill. Reg. 300 - 1-3-92
41. Food Stamps (89 Ill. Adm. Code 121) (Emergency)  
-Notice Published: 16 Ill. Reg. 757 - 1-10-92

## V. Agency Responses to Joint Committee Statements of Recommendation

Department of Central Management Services

42. Travel (80 Ill. Adm. Code 2800) (Emergency)  
-First Published: 15 Ill. Reg. 13196 - 9-6-91  
-Objection Date: 10-22-91  
-Response: Agreement

Illinois Racing Board

43. Racing Rules (11 Ill. Adm. Code 13810) (Emergency)  
-First Published: 15 Ill. Reg. 16484 - 11-8-91  
-Recommendation Date: 12-13-91  
-Response: Agreement

Pollution Control Board

44. Existing Activities in a Setback Zone or Regulated Recharge Area (35 Ill. Adm. Code 615)  
-First Published: 15 Ill. Reg. 10303 - 7-12-91  
-Objection Date: 11-19-91  
-Response: Refusal
45. New Activities in a Setback Zone or Regulated Recharge Area (35 Ill. Adm. Code 616)  
-First Published: 15 Ill. Reg. 9836 - 7-5-91  
-Objection Date: 11-19-91  
-Response: Refusal

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

46. Regulated Recharge Areas (35 Ill. Adm. Code 617)  
-First Published: 15 Ill. Reg. 9882 - 7-5-91  
-Objection Date: 11-19-91  
-Response: Refusal
47. Introduction (35 Ill. Adm. Code 601)  
-First Published: 15 Ill. Reg. 9829 - 7-5-91  
-Objection Date: 11-19-91  
-Response: Refusal



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## PROCLAMATION

92-009

## CREOLE HERITAGE DAY

Whereas, January 22, 1992, will mark the 224th anniversary of the birth of Nicholas August Metoyer (1768-1856) who is said to be one of the first Creole children born in America; and

Whereas, Creole descendants have remained in America and reside in three primary states--Louisiana, California, and Illinois; and

Whereas, Creole people generally keep in touch with their cultural roots and with each other, stressing strong pride in heritage and family values;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 22, 1992, as CREOLE HERITAGE DAY in Illinois.

Issued by the Governor January 10, 1992.

Filed with the Secretary of State January 16, 1992.

92-010

## TEEN LEADERSHIP CONFERENCE DAY

Whereas, the State of Illinois, along with many businesses and citizens, annually pay tribute to the life and memory of the late Reverend Dr. Martin Luther King Jr.; and

Whereas, we pause to applaud the work and meaning of the annual Dr. King Teen Leadership Conference; and

Whereas, nearly 600 high school students from the Chicago and northwest Indiana areas will attend the 1992 Teen Leadership Conference at the State of Illinois Center to hear motivational speakers and see an original play on the life and works of Dr. King, written and directed by noted Chicago playwright Jackie Taylor; and

Whereas, this conference introduces the theme of concern and commitment to education;

Therefore, I, Governor Jim Edgar, proclaim January 15, 1992, as TEEN LEADERSHIP CONFERENCE DAY in Illinois to salute the life and works of the Reverend Dr. Martin Luther King Jr.

Issued by the Governor January 13, 1992.

Filed with the Secretary of State January 16, 1992.

92-011

## WOMEN'S REPRODUCTIVE HEALTH DAY

Whereas, the Preamble of the Constitution of the United States makes a provision for liberty for our citizens; and

Whereas, January 22, 1992, marks the 19th anniversary of Roe v. Wade, the landmark United States Supreme Court decision upholding the right of reproductive choice for women and the principle that government should not intrude in a woman's private

decision as to whether to reproduce;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 22, 1992, as WOMEN'S REPRODUCTIVE HEALTH DAY in Illinois.

Issued by the Governor January 13, 1992.

Filed with the Secretary of State January 16, 1992.

92-012

## BLACK NURSES' DAY

Whereas, black nurses from all areas of the nursing profession seek to continue their commitment and dedication of service to this highly respected profession; and

Whereas, black nurses directly and indirectly influence the health care of people in Illinois, the United States, and around the world; and

Whereas, since the inception of the National Black Nurses' Association, Inc., in Akron, Ohio, in 1971, members have adhered to the philosophy of "Excellence of Service"; and

Whereas, the National Black Nurses' Association, Inc. continues to perpetuate a public awareness of the outstanding contributions made by black nurses in the nursing profession and to the health care industry;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 7, 1992, as BLACK NURSES' DAY in Illinois, and I wish the National Black Nurses' Association, Inc. success in all of its endeavors.

Issued by the Governor January 14, 1992.

Filed with the Secretary of State January 16, 1992.

92-013

## HENRY H. HINDIN DAY

Whereas, Chicago resident Henry H. Hindin has been named "Man of the Year" by the American ORT Federation, the largest non-governmental vocational and technical training network in the world; and

Whereas, Henry is senior vice president of the Peterson Bank in Chicago, after retiring as vice president at the Exchange National Bank, Chicago, where he served for 17 years; and

Whereas, Henry is a graduate of Marshall High School, Crane College, and Northwestern University; and

Whereas, Henry is president of the Chicago chapter of the American ORT Federation and serves on the Board of Trustees for the Zarem-Golde ORT Technical Institute in northwest Chicago; and

Whereas, since 1986, Henry has served on the National Executive Committee and Board of Directors for 6th American ORT Federation; and

Whereas, Henry has a driving interest in music, as has been shown through his participation in the Evanston Symphony



Proclaim November 15, 1991, as PARALYZED VETERANS OF AMERICA

Recognized by the Governor January 14, 1992. Filed with the Secretary of State January 16, 1992.

92-016

PROJECT QUEST DAY

Whereas, Chicago Public Schools and International Business Machines Corporation are working hand-in-hand to develop a national model for using computer technology to enhance teaching and learning in public schools; and

Whereas, Simon Guggenheim School in Englewood and John Walsh School in Pilsen have been selected as sites for the pilot program, called Project QUEST; and

Whereas, making computers an integral part of learning will boost students' computer proficiency and help create a generation of creative, self-confident, and independent thinkers; and

Whereas, Project QUEST will help teachers to program individual, personalized lessons to match each student's ability and should give each student the chance to excel at his own pace;

and Whereas, Project QUEST aims to draw parents and adults into the learning process by enabling schools to open their doors to the community and offer adult literacy and GED programs; and

Whereas, Project QUEST seeks to encourage lifelong learning and to renew faith in education as a means of achieving goals of higher education, employment, and economic independence;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 19-25, 1992, as PROJECT QUEST DAY in Illinois.

Issued by the Governor January 14, 1992.

Filed with the Secretary of State January 16, 1992.

92-017

RAYMOND R. WILKOWSKI RECOGNIZED

Whereas, Raymond R. Wilkowski began his outstanding career with the Office of the Secretary of State August 9, 1949, and

retired from state service December 31, 1991; and Whereas, Raymond R. Wilkowski faithfully served the citizens of Illinois for 43 years and diligently endured eight Secretary of State administrations; and

Whereas, I was extremely pleased to have an employee of Raymond's caliber work with my administration for 10 years when I served as Secretary of State; and

Whereas, Raymond R. Wilkowski's dedication and loyalty to the Office of the Secretary of State has served as a brilliant example to others;

Therefore, I, Jim Edgar, Governor of the State of Illinois, give special recognition to RAYMOND R. WILKOWSKI for the

most valuable disabled veterans organizations in America;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 18, 1992, as HENRY H. HINDIN DAY in Illinois, in recognition of the outstanding example he has set in terms of public spiritedness, civic involvement, and concern for his fellow citizens.

Issued by the Governor January 14, 1992. Filed with the Secretary of State January 16, 1992.

92-014

IQBAL GEOFFREY DAY

Whereas, artist-laureate Iqbal Geoffrey made Illinois his home in 1962; and

Whereas, his work has earned many prestigious awards, including John D. Rockefeller Awards, the Central Washington State University Award for creativity, the Sir Herbert Read Silver Medal, and the Paris Biennial Award; and

Whereas, Iqbal Geoffrey is a pioneer of conceptual art and has been called a magnificent visionary and superior genius; and

Whereas, his work has been displayed at numerous museums, including the Boston Museum of Fine Arts, Cornell University's Johnson Art Museum, the Santa Barbara Museum of Modern Art, the Los Angeles Municipal Art Gallery, and the French Embassy in Pakistan; and

Whereas, beginning January 20, Iqbal Geoffrey's works will be shown at the zigurat gallery, known as the best exhibition space in Asia;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 20, 1992, as IQBAL GEOFFREY DAY in Illinois and commend him on his outstanding contributions to the art world.

Issued by the Governor January 14, 1992.

Filed with the Secretary of State January 16, 1992.

92-015

PARALYZED VETERANS OF AMERICA RECOGNITION DAY

Whereas, Paralyzed Veterans of America, founded in 1944 by 16

paraplegics, has grown to a membership of more than 15,000; and Whereas, Paralyzed Veterans of America provides a disciplinary service to veterans and other people with disabilities in areas of legislation, advocacy, research, sports, scholarships, and representation before the Veterans Administration; and

Whereas, Paralyzed Veterans of America is recognized by the President of the United States and Congress and is one of the most valuable disabled veterans organizations in America;

Therefore, I, Jim Edgar, Governor of the State of Illinois,



dedication he has shown during his service to the state and congratulate him on his retirement.

Issued by the Governor January 14, 1992.

Filed with the Secretary of State January 16, 1992.

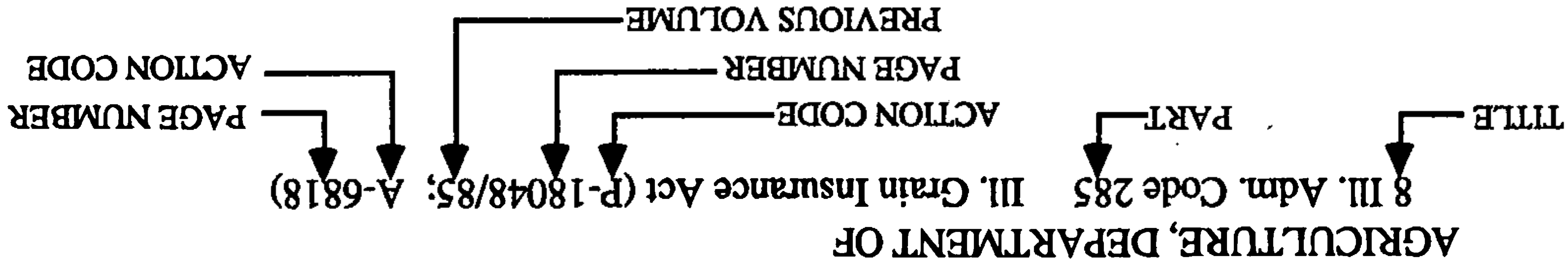
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ACTION CODES	
A	- Adopted Rule
AR	- Adopted Repealer
C	- Notice of Corrections
CC	- Codification Changes
E	- Emergency Rule
ER	- Emergency Repealer
M	- Modification to meet JCAR objections
O	- JCAR Statement of Objections
P	- Proposed Rule
PF	- Prohibited Filing Ordered by JCAR
PP	- Peremptory or Court ordered Rules
PR	- Proposed Repealer
R	- Refusal to meet JCAR objection
RC	- Statement of Recommendation
S	- Suspension ordered by JCAR
W	- Withdrawal to meet JCAR objections

JCAR - Joint Committee on Administrative Rules

EXAMPLE:



ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

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80 Ill. Adm. Code 304  
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80 Ill. Adm. Code 302  
Merit & Fitness (P-336)

80 Ill. Adm. Code 310  
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56 Ill. Adm. Code 2630  
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17 Ill. Adm. Code 3035  
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17 Ill. Adm. Code 590  
Duck, Goose & Coot Hunting (P-14157/91; A-570)

17 Ill. Adm. Code 1010  
III. List of Endangered & Threatened Fauna (P-13594/91; A-103)

17 Ill. Adm. Code 3010  
III. Snowmobile Grant Program (P-14794/91; A-1806)

17 Ill. Adm. Code 3030  
Land & Water Conservation Fund Grant Program (P-14807/91; A-1816)

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17 Ill. Adm. Code 525  
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17 Ill. Adm. Code 3020  
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17 Ill. Adm. Code 880  
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17 Ill. Adm. Code 710  
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17 Ill. Adm. Code 1538  
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35 Ill. Adm. Code 728  
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35 Ill. Adm. Code 616  
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TYPE OF RULEMAKING		ACTION CODES	
am	= amendment to existing Section	A	= Adopted rule
cc	= codification changes	C	= Correction
n	= new Section	CC	= Codification Changes
r	= repeal of existing Section	E	= Emergency rule
rc	= recodified	F	= Failure to Remedy
#	= renumbered	M	= Modification
		Obj	= Objections
		RC	= JCAR Recommendation
		R	= Refusal to Modify/ or Withdraw
		PP	= Temporary rule
		PF	= Prohibited Filing
		P	= Proposed rule
		O	= JCAR Objection
		S	= Suspended rule
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<b>TITLE 8</b>			3035.80	am	(P-14783/91; A-1797)
125.260	am	(PP-1899)			
125.380	am	(PP-1899)			
<b>TITLE 11</b>			<b>TITLE 20</b>		
415.60	n	(P-1263)	1235.10	n	(E-17785/91; O-1746)
1424.250	am	(P-1266)	1235.20	n	(E-17785/91; O-1746)
1705.10	n	(P-1779)	1235.30	n	(E-17785/91; O-1746)
1705.20	n	(P-1779)	1235.40	n	(E-17785/91; O-1746)
1705.30	n	(P-1779)	1235.50	n	(E-17785/91; O-1746)
1705.40	n	(P-1779)	1235.60	n	(E-17785/91; O-1746)
1705.50	n	(P-1779)	1235.70	n	(E-17785/91; O-1746)
1705.60	n	(P-1779)	1235.80	n	(E-17785/91; O-1746)
1705.70	n	(P-1779)	1235.90	n	(E-17785/91; O-1746)
			1235.100	n	(E-17785/91; O-1746)
<b>TITLE 14</b>			1235.110	n	(E-17785/91; O-1746)
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520.930	am	(P-89)	1235.130	n	(E-17785/91; O-1746)
520.1100	n	(P-89)	1720.35	n	(E-727)
520.1110	n	(P-89)	1800.10	n	(P-10)
520.1120	n	(P-89)	1800.20	n	(P-10)
520.1130	n	(P-89)	1800.30	n	(P-10)
520.1140	n	(P-89)	1800.40	n	(P-10)
			1810.100	n	(P-469) (E-732)
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590.10	am	(P-14157/91; A-570)	1810.210	n	(P-469) (E-732)
590.20	am	(P-14157/91; A-570)	1810.220	n	(P-469) (E-732)
590.60	am	(P-14157/91; A-570)	1810.230	n	(P-469) (E-732)
710.10	am	(P-14833/91; A-1843)	1810.240	n	(P-469) (E-732)
710.20	am	(P-14833/91; A-1843)	1810.250	n	(P-469) (E-732)
710.21	am	(P-14833/91; A-1843)	1810.300	n	(P-469) (E-732)
710.30	am	(P-14833/91; A-1843)	1810.400	n	(P-469) (E-732)
710.50	am	(P-14833/91; A-1843)	1810.410	n	(P-469) (E-732)
880.10	n	(P-13603/91; A-109)	1810.420	n	(P-469) (E-732)
880.20	n	(P-13603/91; A-109)	1810.430	n	(P-469) (E-732)
880.30	n	(P-13603/91; A-109)	1810.440	n	(P-469) (E-732)
880.40	n	(P-13603/91; A-109)	1810.500	n	(P-469) (E-732)
880.50	n	(P-13603/91; A-109)	1810.510	n	(P-469) (E-732)
1010.30	am	(P-13594/91; A-103)	1810.520	n	(P-469) (E-732)
1538.5	n	(P-775)	1810.530	n	(P-469) (E-732)
1538.10	n	(P-775)	1810.540	n	(P-469) (E-732)
1538.20	n	(P-775)	1810.550	n	(P-469) (E-732)
1538.30	n	(P-775)	1810.600	n	(P-469) (E-732)
1538.40	n	(P-775)	1810.610	n	(P-469) (E-732)
1538.50	n	(P-775)	1810.620	n	(P-469) (E-732)
1538.60	n	(P-775)	1810.700	n	(P-469) (E-732)
1538.70	n	(P-775)	1810.710	n	(P-469) (E-732)
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3010.40	am	(P-14794/91; A-1806)	1810.730	n	(P-469) (E-732)
3010.50	am	(P-14794/91; A-1806)	1810.800	n	(P-469) (E-732)
3010.70	am	(P-14794/91; A-1806)	1810.900	n	(P-469) (E-732)
3010.80	am	(P-14794/91; A-1806)	1810.910	n	(P-469) (E-732)
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3020.40	am	(P-14820/91; A-1833)	1810.1010	n	(P-469) (E-732)
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3020.70	am	(P-14820/91; A-1833)	1810.1100	n	(P-469) (E-732)
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3035.70	am	(P-14783/91; A-1797)	120.40	am	(P-1452)
			120.50	am	(P-1452)
			120.60	am	(P-1452)

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235.30	n	(P-439)	615.210	n	(P-10303/91; O-17791/91; R-1702; A-1538)
235.40	n	(P-439)	615.211	n	(P-10303/91; O-17791/91; R-1702; A-1538)
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235.50	n	(P-439)	615.302	n	(P-10303/91; O-17791/91; R-1702; A-1538)
235.60	n	(P-439)	615.303	n	(P-10303/91; O-17791/91; R-1702; A-1538)
235.100	n	(P-439)	615.304	n	(P-10303/91; O-17791/91; R-1702; A-1538)
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235.120	n	(P-439)	615.306	n	(P-10303/91; O-17791/91; R-1702; A-1538)
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2000.100	am	(P-1511)	
2000.210	am	(P-1511)	
2000.245	am	(P-1511)	
2000.250	am	(P-1511)	
2000.320	am	(P-1511)	
2000.340	am	(P-1511)	
2000.410	am	(P-1511)	
2000.430	am	(P-1511)	
2000.500	am	(P-1511)	
2000.520	am	(P-1511)	
2000.540	am	(P-1511)	
<b>TITLE 74</b>			
750.40	am	(P-15035/91; A-203)	
750.Ap. B	am	(P-15035/91; A-203)	
750.Ap. C	n	(P-15035/91; A-203)	
<b>TITLE 77</b>			
300.120	am	(P-4367/91; A-681)	
300.330	am	(P-4367/91; A-681)	
300.620	am	(P-4367/91; A-681)	
330.120	am	(P-4338/91; A-651)	
330.330	am	(P-4338/91; A-651)	
350.120	am	(P-4280/91; A-594)	
350.330	am	(P-4280/91; A-594)	
390.120	am	(P-4309/91; A-623)	
390.330	am	(P-4309/91; A-623)	
<b>TITLE 80</b>			
302.80	am	(P-336)	
303.102	am	(P-327)	
303.115	n	(P-327)	
303.125	am	(P-327)	
303.175	n	(P-327)	
303.290	am	(P-327)	
303.385	n	(P-327)	
304.51	n	(P-334)	
310.100	am	(P-342) (E-711)	
310.230	am	(P-342)	
310.490	am	(P-342) (E-711)	
310.Ap. A			
Tb. C	am	(P-342)	
310.Tb. D	am	(P-342)	
310.Tb. E	am	(P-342)	
310.Tb. F	am	(P-342)	
310.Tb. G	am	(P-342)	
310.Tb. H	am	(P-342)	
310.Tb. I	am	(P-342)	
310.Tb. J	am	(P-342)	
310.Tb. K	am	(P-342)	
310.Tb. O	am	(P-342)	
<b>TITLE 86</b>			
130.310	am	(P-15013/91; A-1642)	
<b>TITLE 89</b>			
120.50	r	(P-12137/91; A-139)	
120.200	r	(P-12137/91; A-139)	
120.208	r	(P-12137/91; A-139)	
120.210	r	(P-12137/91; A-139)	
120.211	r	(P-12137/91; A-139)	
120.212	r	(P-12137/91; A-139)	
120.215	r	(P-12137/91; A-139)	
120.216	r	(P-12137/91; A-139)	
120.217	r	(P-12137/91; A-139)	
120.218	r	(P-12137/91; A-139)	
120.224	r	(P-12137/91; A-139)	
120.225	r	(P-12137/91; A-139)	
120.230	r	(P-12137/91; A-139)	
120.235	r	(P-12137/91; A-139)	
120.236	r	(P-12137/91; A-139)	
120.240	r	(P-12137/91; A-139)	
120.245	r	(P-12137/91; A-139)	
120.250	r	(P-12137/91; A-139)	
120.255	r	(P-12137/91; A-139)	
120.260	r	(P-12137/91; A-139)	
120.261	r	(P-12137/91; A-139)	
120.262	r	(P-12137/91; A-139)	
120.270	r	(P-12137/91; A-139)	
120.271	r	(P-12137/91; A-139)	
120.272	r	(P-12137/91; A-139)	
120.273	r	(P-12137/91; A-139)	
120.275	r	(P-12137/91; A-139)	
120.276	r	(P-12137/91; A-139)	
120.280	r	(P-12137/91; A-139)	
120.281	r	(P-12137/91; A-139)	
120.282	r	(P-12137/91; A-139)	
120.283	r	(P-12137/91; A-139)	
120.284	r	(P-12137/91; A-139)	
120.285	r	(P-12137/91; A-139)	
120.290	r	(P-12137/91; A-139)	
120.295	r	(P-12137/91; A-139)	
120.319	am	(P-833/91; A-1862)	
120.320	am	(P-833/91; A-1862)	
120.321	am	(P-833/91; A-1862)	
120.322	am	(P-833/91; A-1862)	
120.323	am	(P-833/91; A-1862)	
121.63	am	(E-757)	
140.2	am	(P-17171/91; A-174)	
140.5	am	(P-17171/91; A-174)	
140.27	am	(P-65) (E-300)	
140.526	r	(P-472)	
140.527	r	(P-472)	
140.528	r	(P-472)	
140.529	r	(P-472)	
140.539	am	(P-472)	