

2011

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2011

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 20, 2010	January 3, 2011
2	December 27, 2010	January 7, 2011
3	January 3, 2011	January 14, 2011
4	January 10, 2011	January 21, 2011
5	January 18, 2011	January 28, 2011
6	January 24, 2011	February 4, 2011
7	January 31, 2011	February 14, 2011
8	February 7, 2011	February 18, 2011
9	February 15, 2011	February 25, 2011
10	February 22, 2011	March 4, 2011
11	February 28, 2011	March 11, 2011
12	March 7, 2011	March 18, 2011
13	March 14, 2011	March 25, 2011
14	March 21, 2011	April 1, 2011
15	March 28, 2011	April 8, 2011
16	April 4, 2011	April 15, 2011
17	April 11, 2011	April 22, 2011
18	April 18, 2011	April 29, 2011
19	April 25, 2011	May 6, 2011
20	May 2, 2011	May 13, 2011
21	May 9, 2011	May 20, 2011

22	May 16, 2011	May 27, 2011
23	May 23, 2011	June 3, 2011
24	May 31, 2011	June 10, 2011
25	June 6, 2011	June 17, 2011
26	June 13, 2011	June 24, 2011
27	June 20, 2011	July 1, 2011
28	June 27, 2011	July 8, 2011
29	July 5, 2011	July 15, 2011
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33	August 1, 2011	August 12, 2011
34	August 8, 2011	August 19, 2011
35	August 15, 2011	August 26, 2011
36	August 22, 2011	September 2, 2011
37	August 29, 2011	September 9, 2011
38	September 6, 2011	September 16, 2011
39	September 12, 2011	September 23, 2011
40	September 19, 2011	September 30, 2011
41	September 26, 2011	October 7, 2011
42	October 3, 2011	October 14, 2011
43	October 11, 2011	October 21, 2011
44	October 17, 2011	October 28, 2011
45	October 24, 2011	November 4, 2011
46	October 31, 2011	November 14, 2011
47	November 7, 2011	November 18, 2011
48	November 14, 2011	November 28, 2011
49	November 21, 2011	December 2, 2011
50	November 28, 2011	December 9, 2011
51	December 5, 2011	December 16, 2011
52	December 12, 2011	December 27, 2011
53	December 19, 2011	December 30, 2011

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards of Service for Local Exchange Telecommunications Carriers
- 2) Code Citation: 83 Ill. Adm. Code 730
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
730.100	Amendment
730.105	Amendment
730.115	Amendment
730.535	Amendment
730.540	Amendment
730.545	Amendment
- 4) Statutory Authority: Implementing Section 8-301, 8-505 and 13-712 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-301, 8-505, 13-712 and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 96-927 contained amendments to the Public Utilities Act affecting telecommunications services. The statutory amendments impacted Part 730's metric for percent of lines out of service for more than 24 hours, removed the option for alternative telephone service, and modified the timeframes for customer notification of a carrier's inability to keep an appointment. The proposed amendments implement these statutory changes.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 11-0622, with:

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

(217)782-7434

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

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIESPART 730
STANDARDS OF SERVICE FOR LOCAL EXCHANGE
TELECOMMUNICATIONS CARRIERS

SUBPART A: GENERAL

Section	
730.100	Application of Part
730.105	Definitions
730.110	Waiver
730.115	Reporting
730.120	Penalties

SUBPART B: RECORDS AND REPORTS

Section	
730.200	Preservation of Records

SUBPART C: ENGINEERING

Section	
730.300	Construction
730.305	Maintenance of Plant and Equipment
730.310	Grade of Service
730.315	Interoffice Trunks (Repealed)
730.320	Network Service
730.325	Emergency Operation
730.330	Construction Work Near Utility Facilities
730.335	Network Interface
730.340	Incorporation of National Codes and Standards

SUBPART D: CALL DATA, INSPECTIONS, AND TESTS

Section	
730.400	Provisions for Testing

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- 730.405 Call Data Records
- 730.410 Call Data Reading Interval
- 730.415 Call Data Recording Equipment and Test Facilities
- 730.420 Call Data Recording Equipment Requirements
- 730.425 Initial Test
- 730.430 As-Found Tests
- 730.435 Routine Tests
- 730.440 Request Tests
- 730.445 Referee Tests
- 730.450 Test Records

SUBPART E: STANDARDS OF QUALITY OF SERVICE

- Section
- 730.500 Adequacy of Service
- 730.505 Operator Handled Calls
- 730.510 Answering Time
- 730.515 Central Office Administrative Requirements
- 730.520 Interoffice Trunks
- 730.525 Transmission Requirements
- 730.530 Coin Telephone Service (Repealed)
- 730.535 Interruptions of Service
- 730.540 Installation Requests
- 730.545 Trouble Reports
- 730.550 Network Outages and Notification

SUBPART F: SAFETY

- Section
- 730.600 Safety Program
- 730.605 Accident Reports (Repealed)

SUBPART G: BOUNDARIES

- Section
- 730.700 Map Requirements
- 730.705 Map Specifications
- 730.710 Application for Certificate (Repealed)
- 730.711 Changes to Existing Boundaries

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730.715 Service Outside Exchange Boundaries
730.720 Map Maintenance
730.725 District Boundaries (Repealed)

AUTHORITY: Implementing Sections 8-301, 8-505 and 13-712 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-301, 8-505, 13-712 and 10-101].

SOURCE: Filed November 6, 1970; amended at 7 Ill. Reg. 2147, effective February 4, 1983; codified at 8 Ill. Reg. 12191; Part repealed and new Part adopted at 15 Ill. Reg. 16060, effective November 1, 1991; amended at 24 Ill. Reg. 13861, effective September 1, 2000; amended at 27 Ill. Reg. 17997, effective December 1, 2003; amended at 35 Ill. Reg. 8808, effective June 1, 2011; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 730.100 Application of Part

- a) This Part shall apply to all local exchange carriers offering or providing either competitive or noncompetitive telecommunications services as defined in Sections 13-209 and 13-210 of the Universal Telephone Service Protection Law of 1985 ("~~Law~~") [220 ILCS 5], except [this Part does not apply to Electing Providers as defined in Section 13-506.2\(a\)\(1\) of the Public Utilities Act \[220 ILCS 5/13-506.2\(a\)\(1\)\]](#), and except that Sections 730.115(b), 730.535(c), 730.540(d) and (e), and 730.545(h) and (i) are not applicable to telephone cooperatives as defined in Section 13-212 of the Law pursuant to Section 13-701 of the Law. This Part shall only apply to the relationship between a serving local exchange carrier and its end user. This Part shall not apply to the relationship between a serving local exchange carrier that provides wholesale facilities or services to another serving local exchange carrier for provisioning of services to its retail end user customers.
- b) This Part does not supersede the authority of, nor prohibit, the Commission from imposing different, additional, or more stringent service quality standards, reporting requirements or penalties upon a carrier pursuant to Section 13-506.1 of the Public Utilities Act (Alternative forms of regulation for noncompetitive services).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 730.105 Definitions

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As used in this Part, the following terms shall have these definitions:

"Access line" means the connecting facility between a customer's premises network interface device and the local exchange carrier's facility that provides access to the switching network for local exchange and interexchange telecommunications service. This includes the network interface or equivalent, the outside plant facilities, the office frame and frame wiring and the office line termination.

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

"Analog" means a continuous electrical signal that carries information by means of variations in its amplitude or frequency. The electrical signal being transmitted varies in direct relation to the signal generated by the source.

"Answer time" means a measurement in seconds from the point the carrier's telephone system receives the call until the call is answered by the carrier's representative or voice response unit and ready to accept information. In the case when the carrier uses a menu-driven system, the measurement begins once the menu-based system has transferred the customer into the carrier's telephone system until the call is answered by the carrier's representative.

"Application" means a verbal or written request for a telecommunications service.

"Appointment" means an arrangement made by a telecommunications carrier to meet a customer within an agreed 4 hour window [to address an installation or repair situation](#), or, until June 30, 2004, between 8 A.M. and 4 P.M. on a particular day if the carrier uses the resold services, network or network elements of another carrier to provide service to the customer, at the customer's premises, to perform work on the network.

"Assistance calls" means calls in which the operator provides assistance or instructions to the customer. Examples: rate quotes, credit requests, trouble reports, dial assistance and dialing instructions.

"Basic local exchange service" means *residential and business lines used for local exchange telecommunications service as defined in Section 13-204 of the Public Utilities Act, excluding: services that employ advanced telecommunications*

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capability as defined in section 706(c)(1) of the federal Telecommunications Act of 1996 (P.L. 104-104); vertical services; company official lines; and records work only. [220 ILCS 5/13-712(b)(2)].

"Basic local exchange service installation" means the installation of basic local exchange service whereby the physical connecting and diagnostic testing of a local loop results in the provisioning of dial tone to the requesting customer's network interface device. It includes move orders and orders for additional lines.

"Business office" means those offices of the company where calls are answered and made. A business office typically employs company representatives to assist customers for order entry and lookup on customers' orders and account records through the use of a computerized system.

"Busy hour" means the two consecutive half-hours each day during which the greatest volume of traffic is handled.

"Busy tone" means an audible signal indicating a call cannot be completed because the called access line is busy. The tone is applied 60 times per minute.

"Call data" means the recorded information necessary to measure and bill each call.

"Calls" means customers' messages attempted.

"Central office" means the site where switching equipment is located. A local central office, also called an end office, is the switching office where individual subscriber's access lines appear. It houses the equipment that receives calls transmitted on the local loop and routes the call over the switched network either directly to the person called, if the call is placed to a location served by the same local central office, or to another central office, if the call is placed to a customer served by a different central office. Each central office serves local loops in an exclusive geographic area.

"Certificate of service authority" means the authorization by the Commission granting a local exchange carrier the right to provide telecommunications services within a specified geographical area.

"Channel" means a single path between two or more points provided for transport

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of user information and/or signaling for a communications service.

"Commission" means the Illinois Commerce Commission.

"Connecting company" means a corporation, association, partnership or individual (other than a company affiliated interest) that owns or operates central offices or similar switching facilities and interchanges traffic directly or indirectly with the local exchange carriers.

"Customer" means any person, building owner, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, etc., provided with local exchange carrier telecommunications services as defined in Section 13-204 of the Act. Customer may also be referred to as "end user".

"Customer premises equipment" or "CPE" means equipment employed on the premises of a person (other than a carrier) to originate, route or terminate telecommunications. Customer premises equipment includes customer premises wire.

"Customer premises wire" means any wire, including interface equipment, on the customer side of the network interface or equivalent.

"Customer trouble report" means any verbal or written report relating to difficulty or dissatisfaction with the operation of regulated telecommunications services. One report shall be counted for a verbal or written report received. When several items are reported by one customer at the same time, and the group of troubles so reported is clearly related to a common cause, they are counted as one report.

"dBrnc" means a measure of the interfering effect of noise.

"Decibel" or "dB" means a standard unit used for expressing a transmission signal gain or loss.

"Dial tone" means an audible tone sent from an automatic switching system to a customer to indicate the equipment is ready to receive dial signals.

"Dial tone first" means coin telephone service that allows a customer to obtain a dial tone before money is deposited into the coin telephone.

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"Digital" means a signal that carries information by discrete changes in its parameters. For digital transmission of analog information, the incoming voice, data or video signals are sampled periodically and digitally coded for transport through the network.

"Direct distance dialing" or "DDD" means the automatic establishment of toll calls in response to signals from the dialing device of the originating customer.

"Distributing system" means that part of the outside cable plant connecting the central office to the customer network interface at the customer's premises.

"Emergency situation" means a single event that causes an interruption of service or installations affecting end users of a local exchange carrier. The emergency situation shall begin with the first end user whose service is interrupted by the single event, and shall end with the restoration or installation of the service of all affected end users.

The term single event shall include:

a declaration made by the applicable State or federal governmental agency that the area served by the local exchange carrier is either a State or federal disaster area; or

an act of third parties, including acts of terrorism, vandalism, riot, civil unrest or war, or acts of parties that are not agents, employees or contractors of the local exchange carrier; or

a severe storm, tornado, earthquake, flood or fire, including any severe storm, tornado, earthquake, flood or fire that prevents the local exchange carrier from restoring service due to impassable roads, downed power lines, or the closing off of affected areas by public safety officials.

The term emergency situation shall not include:

a single event caused by high temperature conditions alone; or

a single event caused, or exacerbated in scope and duration, by acts or omissions of the local exchange carrier, its agents, employees or contractors

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or by the condition of facilities, equipment or premises owned or operated by the local exchange carrier; or

any service interruption that occur during a single event listed in this definition, but are not caused by those single events; or

a single event that the local exchange carrier could have reasonably foreseen and taken precaution to prevent; provided, however, that in no event shall a local exchange carrier be required to undertake precautions that are technically infeasible or economically prohibitive.

This Part shall be construed as being content neutral as to whether a strike or other work stoppage is an emergency situation. In the event of a strike or other work stoppage, the local exchange carrier's obligations to provide remedies for failure to comply with this Part shall, in the absence of a decision by a court of competent jurisdiction, be determined by the Commission on a case-by-case basis based upon the individual factual circumstances of each strike or other work stoppage. In making such a determination, and notwithstanding the definition of emergency situation above, the Commission shall not presume that a strike or other work stoppage is an act of an employee or of the local exchange carrier.

"End user" means any person, building owner, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, etc., provided with local exchange carrier telecommunications services for consumption, not for resale, as defined in Section 13-204 of the Act. End user may also be referred to as "customer".

"Exchange area" means a unit established by a local exchange carrier and approved by the Commission for the administration of telecommunications service in a specified geographical area. It may consist of one or more central offices together with associated plant used in furnishing telecommunications services in that area. Exchange areas are identified on exchange boundary maps on file with the Commission.

"Foreign exchange service" means a classification of exchange services whereby customers may be provided a telecommunications service from a local exchange other than the one from which they would normally be served.

"Information call" means a call in which a customer will be connected to directory

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assistance by dialing the proper service code or number and will be given the directory number of the customer whom he or she desires to call, provided that the customer's number to be called is or will be published or listed in the information records. An information call is also referred to as directory assistance.

"Inside wire" means the same as "customer premises wire" defined above.

"Installation trouble report" means any network trouble report filed within seven days after the completion of a basic local exchange service installation on the same line.

"Intercept service" means a service arrangement provided by the local exchange carrier whereby calls placed to a disconnected or discontinued telephone number are intercepted and the calling party given such information as the called telephone number has been disconnected, discontinued or changed to another number, or that calls are being received by another telecommunications line.

"InterMSA" means those calls originating in one Market Service Area (MSA) but terminating in another MSA. InterMSA calls are also referred to as "InterLATA calls". See Section 13-208 of the Act.

"Interoffice trunk" means a communication path between two central offices.

"Line" means the conductor or conductors, supporting circuit equipment, and structures extending between customer network interfaces and central offices, or between central offices, whether they be in the same or different communities.

"Local exchange carrier" or "LEC" means a telecommunications carrier certificated by the Commission to provide intra-exchange and/or inter-exchange service within the same MSA.

"Local exchange service" means the same as "local exchange telecommunications service" as defined in Section 13-204 of the Act.

"Local exchange service area" means the area where telecommunications service is furnished to customers under a specific schedule of rates and without toll charges. A local exchange service area may include one or more exchange areas or portions of exchange areas.

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"Local message" means a completed call between customers served by the same central office or between customers served by two different central offices as defined by and in accordance with tariffs.

"Local loop" means a channel between a customer's network interface and its serving central office.

"Local usage charge" means the charge that applies to a call defined as a "local message".

"Map" means a drawing showing a geographical area in which a local exchange carrier furnishes telecommunications services.

"Message" means a completed customer call.

"Network" means the aggregate of transmission systems and switching systems. It is an arrangement of channels, such as loops, trunks and associated switching facilities.

"Network interface" means the point of termination on the customer premises at which the local exchange carrier's responsibility for the provision and maintenance of network channel or line service ends. The network interface is part of the network and the order of appearance of central office lines on it is determined solely by the local exchange carrier.

"Network service" means a telecommunications service that links two or more discrete channels for the purpose of creating a point-to-point connection.

"Noise to Ground" or "Ng" means the noise measured between ground and the tip and ring conductors. The customer does not hear the noise to ground, but the amount of noise to ground affects the amount of noise metallic that a customer hears.

"Noise Metallic" or "Nm" means the noise measured across the tip and ring of a circuit and is the noise that the customer hears.

"Out of Service > [3024](#) Hours" means that [3024](#) hours after reporting an out of service condition to the local exchange carrier the customer still:

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has no dial tone; or

cannot be called; or

cannot call out.

This defined term excludes call blocking or any other intentional alteration to an end user's calling or call receiving ability.

"Outside plant" means the telecommunications equipment and facilities installed on, along, over, or under streets, alleys, highways or on private rights-of-way between the central office and customer locations or between central offices.

"Party line service" is a service offering where two or more unaffiliated customers share the same line and telephone number.

"Premises" means the space occupied in a single local exchange area by a customer in a building or in adjoining buildings not separated by a public thoroughfare or in a public office building where the customer's office space is all contiguous.

"Public telephone service" means one-party access line service equipped with a coin collecting and/or calling-card only telephone instrument installed for the use of the general public in locations where the general public has access to these telephones.

"Repair office" means an office to handle customers' reported telephone facility problems. Customers may call to request trouble verification tests, initiate trouble reports and obtain information on the status of open trouble reports.

"Repeat trouble report" means any network trouble report filed within 30 days after the closing of a previous network trouble report filed by the same customer for the same working line.

"Reporting entity" means a unit established by the local exchange carrier for the purpose of administering the customer service operations established by this Part.

"Staff" means the Staff of the Illinois Commerce Commission.

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"Telecommunications service" means any regulated communication service provided by local exchange carriers.

"Toll call" means a completed message between customers in different exchanges for which message toll rates are applicable.

"Traffic" means call volume based on number and duration of messages.

"Transmission" means the process of sending information from one point to another.

"Trouble report" means any customer complaint to the local exchange carrier regarding the operation of the network affecting their basic local exchange service, including both service-affecting conditions or out of service conditions.

"Trunk" means a transmission path between switching units, switching centers and/or toll centers.

"Vertical services" means optional telecommunication services, including, without limitation, Caller ID or Call Waiting, that a customer may choose to have added to its basic access line.

"Working line" means an active access line or channel.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 730.115 Reporting

- a) All reports required to be submitted to either the Staff or to the Illinois Commerce Commission under this Part 730 shall be certified by an authorized agent of the reporting carrier. All such reports will be public records available for inspection, copying and posting to the Commission's website.
- b) Disaggregation
 - 1) Each telecommunications carrier shall provide to the Commission, on a quarterly basis and in a form suitable for posting on the Commission's website, a public report that includes monthly performance data for basic

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local exchange service quality of service as required to be collected and reported pursuant to this Part. The performance data shall be disaggregated for each geographic area and each customer class of the State for which the telecommunications carrier internally monitored performance data as of March 2, 2001. The report shall include, at a minimum, operator answer time – toll and assistance, Section 730.510(a)(1)(A); operator answer time – information, Section 730.510(a)(1)(B); repair office answer time, Section 730.510(b)(1); business or customer service answer time, Section 730.510(b)(1); percent of service installations, Section 730.540(a); percent of lines out of service for more than 3024 hours, including monthly itemization of the "w" variable via attachment, Section 730.535(a); trouble reports per 100 access lines, Section 730.545(a); percent of repeat trouble reports, Section 730.545(c); percent of installation trouble reports, Section 730.545(f); missed repair appointments, Section 730.545(h); and missed installation appointments, Section 730.540(d).

- 2) Carriers shall disaggregate their performance data at least to the extent required pursuant to this Section and Section 13-712(f) of the Act and, by January 1, 2004, shall provide to the Commission a certification by an authorized officer of the carrier specifying the disaggregation that is required as well as supporting documentation sufficient to demonstrate the required disaggregation (specifically identifying the geographic and customer class disaggregation). The carriers shall bear the burden of proof with respect to the required disaggregation. The certification and supporting documentation shall be delivered in a form that can be made publicly available and posted upon the Commission's website.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART E: STANDARDS OF QUALITY OF SERVICE

Section 730.535 Interruptions of Service

- a) On a monthly basis, each local exchange carrier shall clear 95% of all out of service troubles up to the customer network interface within 3024 hours after the troubles are reported by the customer.

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b) For purposes of maintaining records or reporting information relating to the requirement set forth in subsection (a), the information required to be so maintained or reported shall be calculated as follows:

1) Each occurrence shall be measured from the "create date and time" to the "cleared date and time".

2) The requirement set forth in subsection (a) shall be calculated as follows:

(a) - (c+d+e+f+g+h+i) = o or the "adjusted number of out of service conditions not repaired within 3024 hours"

(b) - (c+d+e+f+g+h+i) = p or the "adjusted number of out-of-service calls"

$$\frac{o}{p + w} \text{Times } 100 = x$$

(100 - x) = percent repaired within 3024 hours

Variables used in the above formulas are defined as follows:

a = Total number of out of service conditions not repaired within 3024 hours

b = Total number of out of service calls received by the company

c = Subsequent reports for the same out of service condition

d = Condition caused by payphone equipment

e = Condition caused by customer premises equipment (CPE) or inside wire

f = Exclusion due to no access to the property (when access is required)

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- g = Exclusion due to customer requested later appointment
- h = Exclusion due to emergency situations
- i = Exclusion due to negligent or Willful Act on part of customer
- o = Adjusted number of out of service conditions not repaired within ~~30~~24 hours
- p = Adjusted number of out of service calls received by the company
- w = Out of service conditions due to a severe storm, tornado, earthquake, flood or fire, including any severe storm, tornado, earthquake, flood or fire that prevents the local exchange carrier from restoring service due to impassable roads, downed power lines, or the closing off of affected areas by public safety officials. This variable "w" shall be itemized monthly, via attachment, in the reporting LECs quarterly report as provided in Section 730.115(b).
- 3) Whenever a local exchange carrier fails to meet the monthly requirements contained in this Section, it shall file a monthly report relating to the failed requirement to the Staff of the Illinois Commerce Commission, Telecommunication Division, with a statement of the reasons for the failure, within 15 business days after the end of each month in which the failure occurred.
- 4) The information to be reported pursuant to this Section shall include out of service troubles occurring on holidays or weekends.
- c) If a carrier knows entry to the dwelling is required in order to clear an out of service trouble report, the local exchange carrier shall provide reasonable notice to the affected customer of the premises visit and shall schedule an appointment to perform any such visit on a mutually agreed date and time (which shall be identified as occurring within a four hour window, such as a morning or afternoon

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or evening shift, or until June 30, 2004, between 8 A.M. and 4 P.M. on a particular day if the carrier uses the resold services, network or network elements of another carrier to provide services to the customer). When the repair appointment cannot be met within the prescribed appointment window, the local exchange carrier shall notify the customer of the delay and the reason for the delay no later than 8 P.M. of the day prior to the scheduled date of the appointment of 24 hours prior to its inability to keep the appointment, and shall then reschedule a date and time acceptable to the customer when the utility will be able to provide the requested service. The 24 hour notice period shall be construed to mean 24 hour notice by the end of each 4 hour window the day before the scheduled appointment or, until June 30, 2004, by 4 P.M. of the business day preceding the day of the scheduled appointment if the appointment has been scheduled, by a carrier that uses the resold services, network or network elements of another carrier to provide service to the customer, for between 8 A.M. and 4 P.M. of a particular day. Customer-caused delays or customer-missed appointments shall not be subject to the time restrictions of this subsection.

- d) Required toll-free numbers
- 1) Each local exchange carrier shall provide to its customers the telephone number to call for repair service. Calls to repair service shall be available without charge. When trouble is apparently located in a connecting company, this trouble report shall be immediately referred to the connecting company.
 - 2) Each local exchange carrier shall provide its business office telephone number to its customers. Calls to the business office shall be available without charge.
- e) Repair service shall be available at all times for reporting service out of order. Arrangements shall be made to receive customer trouble reports 24 hours daily and to clear out of service trouble at all hours for customers who express an emergency need for service as long as clearing the trouble is consistent with the personal safety of local exchange carrier personnel. For purposes of this subsection (e) only, an emergency need for service shall mean that without service there exists an immediate threat to life, limb or property.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 730.540 Installation Requests

- a) Each local exchange carrier shall complete 90% of its "basic local exchange service installations" within five business days after the customer requests installation or by such later date as requested by applicant, as subject to the exclusions set forth in subsection (f).

This subsection (a) does not apply to the migration of a customer between telecommunications carriers, so long as the customer maintains dial tone.

A telecommunications carrier offering basic local exchange service utilizing the network or network elements of another carrier shall install new lines for basic local exchange service within 3 business days after provisioning of the line or lines, by the carrier whose network or network elements are being utilized, is complete.

- b) Each local exchange carrier shall maintain records and submit reports with respect to this Section as follows: Whenever a local exchange carrier fails to meet the monthly requirements contained in this Section, it shall file a monthly report identifying the installation performance relating to the failed requirement to the Staff of the Illinois Commerce Commission, Telecommunications Division, as well as a statement of the reasons for such failure, within 15 days after the end of the month in which the failure occurred.
- c) For purposes of maintaining records or reporting information relating to the requirement set forth in subsection (a), the information required to be so maintained or reported shall be calculated by measuring customer applications or requests for basic local exchange service installation from the date the customer makes such application or request to the date the installation order is signed off by the carrier as completed.
- d) If a local exchange carrier knows a premises visit (which includes entry into a dwelling) is required in connection with any basic local exchange service installation, the local exchange carrier shall advise the affected customer of such premises visit and shall schedule an appointment to perform any such visit at a mutually agreed upon date and time (which shall be identified as occurring within a four hour window, such as a morning or afternoon or evening shift or until June 30, 2004, between 8 A.M. and 4 P.M. on a particular day if the carrier uses the resold services, network, or network elements of another carrier to provide

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services to the customer). When the installation appointment cannot be met within the prescribed appointment window, the local exchange carrier shall notify the customer of the delay and the reason for such delay no later than 8 P.M. of the day prior to the scheduled date of the appointment of ~~24 hours prior to~~ its inability to keep the appointment, and shall then reschedule a date and time acceptable to the customer when the utility will be able to provide the requested service. ~~The 24 hour notice period shall be construed to mean 24 hour notice by the end of each 4 hour window the day before the scheduled appointment, or until June 30, 2004, by 4 P.M. of the business day preceding the day of the scheduled appointment if the appointment has been scheduled by a carrier that uses the resold services, network, or network element of another carrier to provide service to the customer, for between 8 A.M. and 4 P.M. of a particular day.~~ Customer-caused delays or customer-missed appointments shall not be subject to the time restrictions of this subsection.

- e) Each local exchange carrier shall maintain a record of installation requests as reported by its customers. This record shall include appropriate identification of the customer or service affected, the time, date and nature of the installation request, the action taken, the date and time of installations or other disposition, and whether the ~~appointments~~ appointment(s) were kept, cancelled no later than 8 P.M. of the day prior to the scheduled date of the appointment with ~~at least 24 hours notice to the customer,~~ or missed without ~~at least 24 hours~~ notice to the customer no later than 8 P.M. of the day prior to the scheduled date of the appointment.
- f) Authorized Delays
- 1) An installation that is not performed within the intervals referred to in subsections (a) and (d) will not be considered a violation of subsection (a) and (d) for the period of delay if the installation is delayed due to the following:
- A)1) as a result of a negligent or willful act on the part of the customer;
- B)2) as a result of a malfunction of customer-owned telephone equipment or inside wire;
- C)3) as a result of, or extended by, an emergency situation;

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- ~~D)4)~~ as a result of the carrier's inability to gain access to the customer's premises due to the customer missing an appointment, provided that the violation is not further extended by the carrier;
- ~~E)5)~~ as a result of a customer request to change the scheduled appointment, provided that the violation is not further extended by the carrier;
- ~~F)6)~~ as a result of a carrier's right to refuse service to a customer as provided in 83 Ill. Adm. Code 735; or
- ~~G)7)~~ as a result of a lack of facilities where a customer requests service at a geographically remote location, a customer requests service in a geographic area where the carrier is not currently offering service, or there are insufficient facilities to meet the customer's request for service, subject to carrier's obligation for reasonable facilities planning.
- ~~2)~~ Notwithstanding anything in this subsection (f) to the contrary, in those situations where an installation cannot be completed at all as a result of the occurrence of any of the causes identified in this subsection (f), the failure to complete such installation shall not be deemed to be a violation of subsection (a).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 730.545 Trouble Reports

- a) Each local exchange carrier shall maintain basic local exchange service so that the average rate of all customer network trouble reports is no greater than 6 reports per 100 access lines per month.
- b) For purposes of maintaining records or reporting information relating to the requirement set forth in subsection (a), the information required to be so maintained or reported shall be calculated by dividing the number of customer initiated network trouble reports in any given month that are cleared to network dispositions, less customer premises equipment (CPE), inside wire, or emergency situations, by the total number of access lines in service. The rate shall be reported on a per 100 access line basis.

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- c) The local exchange carrier shall maintain service so that the percentage of repeat trouble reports for a month does not exceed 20% of the total customer trouble reports.
- d) For purposes of maintaining records or reporting information relating to the objective in subsection (c), the information required to be so maintained or reported shall be calculated by dividing the total number of repeat trouble reports by the total number of customer trouble reports, in said month, and shall exclude troubles related to CPE, inside wire, or emergency situations.
- e) Each local exchange carrier shall maintain a record of repeat trouble reports as reported by its customers. This record shall include appropriate identification of the customer or service affected, the time, date and nature of the repeat trouble report, the action taken, and the date and time of trouble clearance or other disposition.
- f) The local exchange carrier shall maintain service so that the percentage of installation trouble reports for a month does not exceed 20% of the total installations.
- g) Each local exchange carrier shall maintain a record of installation trouble reports as reported by its customers. This record shall include appropriate identification of the customer or service affected, the time, date and nature of the report, the action taken, and the date and time of installation trouble clearance or other disposition.
- h) Each local exchange carrier shall keep scheduled repair appointments when a customer premises visit requires a customer to be present. If the local exchange carrier is unable to keep a scheduled repair appointment, it shall notify the customer of the delay and the reason for the delay no later than 8 P.M. of the day prior to the scheduled date of the appointment~~provide 24 hour notice~~ of its inability to keep the repair appointment. ~~The 24 hour notice period shall be construed to mean notice by the end of each 4 hour window the day before the scheduled appointment or, until June 30, 2004, by 4 P.M. of the business day preceding the day of the scheduled appointment if the appointment has been scheduled by a carrier that uses resold services, network or network elements of another carrier to provide service to the customer, for between 8 A.M. and 4 P.M. of a particular day.~~
- i) Each local exchange carrier shall maintain a record of repair appointments as reported by its customers. This record shall include appropriate identification of the

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customer or service affected, the time, date and nature of the repair appointment, the action taken, the date and time of repair appointments, and whether the appointments were kept, cancelled no later than 8 P.M. of the day prior to the scheduled date of the appointment~~with at least 24 hours notice to the customer~~, or missed without at least 24 hours notice to the customer no later than 8 P.M. of the day prior to the scheduled date of the appointment.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Customer Credits
- 2) Code Citation: 83 Ill. Adm. Code 732
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
732.5	Amendment
732.20	Amendment
732.30	Amendment
732.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 13-712 of the Public Utilities Act [220 ILCS 5/13-712]
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to statutory changes in PA 96-927, Part 732 is not applicable to Electing Providers as defined in Section 13-506.2(a)(1) of the Act. In addition, the legislation directed that credits for out of service conditions apply after 30 hours instead of 24 hours, eliminated the option of alternative telephone service, reduced the credit for missed appointment from \$50 to \$25 per occurrence, and changed the 24-hour notice period requirement for missed appointment to 8 p.m. of the day prior to the scheduled date of the appointment. The proposed amendments will implement these statutory changes.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 11-0623, with:

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

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: Reporting requirements
- C) Types of professional skills necessary for compliance: Managerial skills

- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIESPART 732
CUSTOMER CREDITS

Section

732.5	Application of Part
732.10	Definitions
732.20	Local Exchange Service Obligations
732.30	Customer Credits
732.35	ILEC-CLEC Reimbursement Mechanism
732.40	Filing of Tariffs
732.50	Customer Education
732.60	Reporting

AUTHORITY: Implementing and authorized by Section 13-712 of the Public Utilities Act [220 ILCS 5/13-712].

SOURCE: Emergency rule adopted at 25 Ill. Reg. 10219, effective August 1, 2001, for a maximum of 150 days; adopted at 26 Ill. Reg. 334, effective December 28, 2001; amended at 26 Ill. Reg. 10465, effective July 1, 2002; amended at 27 Ill. Reg. 18405, effective December 1, 2003; amended at 35 Ill. Reg. 6334, effective April 1, 2011; amended at 35 Ill. Reg. _____, effective _____.

Section 732.5 Application of Part

This Part shall apply to all telecommunications carriers providing basic local exchange service as defined in Section 13-712 of the Public Utilities Act, except that this Part is not applicable to telephone cooperatives as defined in Section 13-212 of the Act, pursuant to Section 13-701 of the Act **and is not applicable to Electing Providers as defined in Section 13-506.2(a)(1) of the Act.**

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 732.20 Local Exchange Service Obligations

Each telecommunications carrier must do all of the following:

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- a) *Install basic local exchange service within 5 business days after receipt of an order from the customer unless the customer requests an installation date that is beyond 5 business days after placing the order for basic service. If installation of service is requested on or by a date more than 5 business days in the future, the telecommunications carrier shall install service by the date requested. A telecommunications carrier offering basic local exchange service utilizing the network or network elements of another carrier shall install new lines for basic local exchange service within 3 business days after provisioning of the line or lines by the carrier whose network or network elements are being utilized is complete. This subsection does not apply to the migration of a customer between telecommunications carriers, so long as the customer maintains dial tone.*
- b) *Restore basic local exchange service for a customer within ~~30~~24 hours after receiving notice that a customer is out of service, including those service disruptions that occur when a customer switches existing basic local exchange service from one carrier to another.*
- c) *Keep all repair and installation appointments for basic local exchange service, when a customer premises visit requires a customer to be present.*
- d) *Inform a customer when a repair or installation appointment requires the customer to be present. [220 ILCS 5/13-712(d)]*
- e) *At the time installation, repair or an appointment is requested, inform the customer of its duty to install, repair, and meet appointments within the specific timeframes set forth in this Part, as relevant to the customer's request. Additionally, the telecommunications carrier shall inform the customer at the time a request for installation, repair and/or an appointment is made, whether or not the telecommunications carrier has the requisite information to complete the request. If the telecommunications carrier requires additional information or is waiting for the customer to provide information before the installation, repair, and appointment can be completed, the customer shall be informed at the time the request is made that the order is incomplete and what information is needed from the customer to complete the order. Telecommunications carriers that install service through multiple platforms and that need additional information at the time of a customer request for installation shall inform the customer by telephone not later than 2 business days after the receipt of the installation request of its duty to install service by a specific date.*

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(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 732.30 Customer Credits

A telecommunications carrier shall credit customers for violations of the basic local exchange service quality standards described in Section 732.20 of this Part. The credits shall be applied on the statement issued to the customer for the next monthly billing cycle following the violation or following the discovery of the violation and shall be identified as a "Service Quality Credit" or "S.Q. Credit". The telecommunications carrier may provide additional detail regarding the service quality credit if it wishes.

- a) *If a carrier fails to repair an out-of-service condition for basic local exchange service within ~~30~~24 hours, the carrier shall provide a credit to the customer. If the service disruption is for over 30 hours but less than 48 hours ~~or less~~, the credit must be equal to a pro-rata portion of the monthly recurring charges for all local services disrupted. A pro-rata portion shall be based upon a 30-day month. If the service disruption is for more than 48 hours, but not more than 72 hours, the credit must be equal to at least 33% of one month's recurring charges for all local services disrupted. If the service disruption is for more than 72 hours, but not more than 96 hours, the credit must be equal to at least 67% of one month's recurring charges for all local services disrupted. If the service disruption is for more than 96 hours, but not more than 120 hours, the credit must be equal to one month's recurring charges for all local services disrupted. For each day or portion thereof that the service disruption continues beyond the initial 120-hour period, the carrier shall also provide either alternative telephone service or an additional credit of \$20 per day, ~~at the customer's option. The customer shall be notified that he/she may choose alternative telephone service or an additional credit of \$20 per day when the service disruption continues beyond the initial 120 hour period so the customer can exercise his/her option. In the absence of an election by the customer, the customer shall receive \$20 per day.~~*
- b) *If a carrier fails to install basic local exchange service as required under Section 732.20(a), the carrier shall waive 50% of any installation charges, or in the absence of an installation charge or where installation is pursuant to the Link Up program, the carrier shall provide a credit of \$25. If a carrier fails to install service within 10 business days after the service application is placed, or fails to install service within 5 business days after the customer's requested installation date, if the requested date was more than 5 business days after the date of the order, the carrier shall waive 100% of the installation charge or, in the absence*

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of an installation charge or where installation is provided pursuant to the Link Up program, the carrier shall provide a credit of \$50. For each day that the failure to install service continues beyond the initial 10 business days, or beyond 5 business days after the customer's requested installation date, if the requested date was more than 5 business days after the date of the order, the carrier shall also provide either alternative telephone service or an additional credit of \$20 per day, ~~at the customer's option~~ until service is installed. ~~The customer shall be notified that he/she may choose alternative telephone service or an additional credit of \$20 per day when installation is delayed beyond the initial 10 business days, or beyond 5 business days after the customer's requested installation date, if the requested date was more than 5 business days after the date of the order, so the customer can exercise his/her option. In the absence of an election by the customer, the customer shall receive \$20 per day.~~

- c) *If a carrier fails to keep a scheduled repair or installation appointment when a customer premises visit requires a customer to be present, the carrier shall credit the customer ~~\$25~~\$50 per missed appointment. A credit required by this subsection (c) does not apply when the carrier provides the customer with ~~24-hour~~ notice of its inability to keep the appointment no later than 8 p.m. of the day prior to the scheduled date of the appointment. ~~The 24-hour notice period shall be construed to mean 24 hours notice by the end of each 4-hour window the day before the scheduled appointment.~~*

- ~~d) *When alternative telephone service is appropriate, the customer may select one of the alternative telephone services offered by the carrier. The alternative telephone service shall be provided at no cost to the customer for the provision of local service.*~~

- d)e) *Credits required by this Section do not apply if the violation of a service quality standard:*

- 1) *occurs as a result of a negligent or willful act on the part of the customer;*
- 2) *occurs as a result of a malfunction of customer-owned telephone equipment or inside wiring;*
- 3) *occurs as a result of, or is extended by, an emergency situation;*
- 4) *is extended by the carrier's inability to gain access to the customer's*

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premises due to the customer missing an appointment, provided that the violation is not further extended by the carrier;

- 5) *occurs as a result of a customer request to change the scheduled appointment, provided that the violation is not further extended by the carrier;*
- 6) *occurs as a result of a carrier's right to refuse service to a customer as provided in 83 Ill. Adm. Code 735; or*
- 7) *occurs as a result of a lack of facilities where a customer requests service at a geographically remote location, a customer requests service in a geographic area where the carrier is not currently offering service, or there are insufficient facilities to meet the customer's request for service, subject to a carrier's obligation for reasonable facilities planning.*

e)F *The provisions of this Section are cumulative and shall not in any way diminish or replace other civil or administrative remedies available to a customer or a class of customers. [220 ILCS 5/13-712(e)]*

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 732.60 Reporting

- a) All reports required to be submitted to either the Staff or to the Commission under this Part 732 shall be certified by an authorized agent of the reporting carrier. All such reports will be public records available for inspection, copying, and posting to the Commission's website.
- b) Each telecommunications carrier shall provide to the Commission, on a quarterly basis and in a form suitable for posting on the Commission's website, a report that includes monthly performance data for basic local exchange service obligations as required to be collected and reported pursuant to this Part. The report shall be provided to the Commission within 30 days after the end of each calendar quarter. The monthly performance data shall be disaggregated for each customer class in each geographic area for which the telecommunications carrier internally monitored performance data as of March 2, 2001. The report shall include, at a minimum:

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- 1) With regard to credits due in accordance with Section 732.30(a) (Out of Service More than ~~3024~~ Hours):
 - A) Total dollar amount of any customer credits paid;
 - B) Number of credits issued for repairs between ~~3024~~-48 hours;
 - C) Number of credits issued for repairs between 48-72 hours;
 - D) Number of credits issued for repairs between 72-96 hours;
 - E) Number of credits used for repairs between 96-120 hours;
 - F) Number of credits issued for repairs greater than 120 hours; and
 - G) Number of exemptions claimed for each of the categories identified in Section 732.30(e); ~~and~~
 - ~~H) Number of customers receiving alternative phone service rather than a credit.~~

- 2) With regard to credits due in accordance with Section 732.30(b) (Failure to Install Basic Local Exchange Service):
 - A) Total dollar amount of any customer credits paid;
 - B) Number of installations after 5 business days;
 - C) Number of installations after 10 business days;
 - D) Number of installations after 11 business days; and
 - E) Number of exemptions claimed for each of the categories identified in Section 732.30(e); ~~and~~
 - ~~F) Number of customers receiving alternative phone service rather than a credit.~~

- 3) With regard to credits due in accordance with Section 732.30(c) (Missed

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Appointments):

- A) Total dollar amount of any customer credits paid;
- B) Number of any customers receiving credits; and
- C) Number of exemptions claimed for each of the categories identified in Section 732.30(e).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Standards of Service and Customer Credits For Electing Providers
- 2) Code Citation: 83 Ill. Adm. Code 737
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
737.100	New Section
737.110	New Section
737.120	New Section
737.130	New Section
737.200	New Section
737.220	New Section
737.230	New Section
737.240	New Section
737.250	New Section
737.300	New Section
737.400	New Section
737.410	New Section
737.420	New Section
737.430	New Section
737.440	New Section
737.450	New Section
737.500	New Section
737.510	New Section
737.520	New Section
737.530	New Section
737.540	New Section
737.600	New Section
737.610	New Section
737.620	New Section
737.630	New Section
- 4) Statutory Authority: Implementing Section 13-506.2 and authorized by Section 10-101.1 of the Public Utilities Act [220 ILCS 5/13-506.2 and 10-101.1]
- 5) A Complete Description of the Subjects and Issues Involved: PA 96-927 created the "Electing Provider," which is a telecommunications carrier that elects to have the rates, terms and conditions of its competitive retail telecommunications services solely determined and regulated pursuant to the terms of Section 13-506.2 of the Act. Section 13-506.2 defined the process for telecommunications carriers to become Electing

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Providers, required Electing Providers to continue to provide certain packages to residential customers and defined Electing Provider service quality and customer credit requirements for basic local exchange service. This proposed Part 737 implements the service quality and customer credit requirements of Section 13-506.2.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency amendments currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objective: This proposed rule neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 11-0624, with:

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

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act.

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These amendments will not affect any small municipalities or not for profit corporations.

- B) Reporting, bookkeeping or other procedures required for compliance: Reporting
 - C) Types of professional skills necessary for compliance: Engineering and managerial skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this Part at that time.

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

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 737

STANDARDS OF SERVICE AND CUSTOMER CREDITS FOR ELECTING PROVIDERS

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Section	
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737.610	Maintenance of Plant and Equipment
737.620	Network Interface
737.630	Transmission Requirements

AUTHORITY: Implementing Section 13-506.2 and authorized by Section 10-101.1 of the Public Utilities Act [220 ILCS 5/13-506.2 and 10-101.1].

SOURCE: Adopted at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 737.100 Application of Part

This Part shall apply to the provision of competitive retail telecommunications service by Electing Providers, as that term is defined in Section 13-506.2(a)(1) of the Public Utilities Act [220 ILCS 5/13-506.2(a)(1)].

Section 737.110 Definitions

As used in this Part, the following terms shall have these definitions:

"Access line" means the connecting facility between a customer's premises network interface device and the Electing Provider's facility that provides access to the switching network for local exchange and interexchange telecommunications service. This includes the network interface or equivalent, the outside plant facilities, the office frame and frame wiring and the office line termination.

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

"Analog" means a continuous electrical signal that carries information by means of variations in its amplitude or frequency. The electrical signal being transmitted varies in direct relation to the signal generated by the source.

"Application" means a verbal or written request for a telecommunications service.

"Appointment" means an arrangement made by a telecommunications carrier to meet a customer to address an installation or repair situation. The appointment window shall be either a specific time or, at a maximum, a 4-hour time block during evening, weekend and normal business hours. (See 220 ILCS 5/13-506.2(e)(1)(C).)

"Basic local exchange service" means *either a stand-alone residence network access line and per-call usage or, for any geographic area which such stand-alone service is not offered, a stand-alone flat rate residence network access line for which local calls are not charged for frequency or duration. Extended Area Service shall be included in basic local exchange service.* [220 ILCS 5/13-506.2(a)(2)] Pursuant to Section 13-506.2(e)(1) of the Act, as used in this Part, "basic local exchange service" also includes the consumer choice safe harbor options that Electing Providers are required to offer to residential customers under Section 13-506.2(d) of the Act.

"Basic local exchange service installation" means the installation of basic local exchange service in which the physical connecting and diagnostic testing of a local loop results in the provisioning of dial tone to the requesting customer's network interface device. It includes move orders and orders for additional lines.

"Busy hour" means the 2 consecutive half-hours each day during which the greatest volume of traffic is handled.

"Calls" means customers' messages attempted.

"Central office" means the site at which switching equipment is located. A local central office, also called an end office, is the switching office where an individual subscriber's access lines appear. It houses the equipment that receives calls transmitted on the local loop and routes the call over the switched network

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either directly to the person called, if the call is placed to a location served by the same local central office, or to another central office, if the call is placed to a customer served by a different central office. Each central office serves local loops in an exclusive geographical area.

"Certificate of service authority" means the authorization by the Illinois Commerce Commission (Commission) granting an Electing Provider the right to provide telecommunications services within a specified geographical area.

"Channel" means a single path between 2 or more points provided for transport of user information and/or signaling for a communications service.

"Customer" or "end user" means a residential retail customer purchasing basic local exchange service.

"Customer premises equipment" or "CPE" means equipment employed on the premises of a person (other than a carrier) to originate route or terminate telecommunications. Customer premises equipment includes customer premises wire.

"Customer premises wire" or "inside wire" means any wire, including interface equipment, on the customer side of the network interface or equivalent.

"Customer trouble report" means any verbal or written report relating to difficulty or dissatisfaction with the operation of regulated telecommunications services. One report shall be counted for a verbal or written report received. When several items are reported by one customer at the same time, and the group of troubles so reported is clearly related to a common cause, they are counted as one report.

"dBrc" means a measure of the interfering effect of noise.

"Decibel" or "dB" means a standard unit used for expressing a transmission signal gain or loss.

"Dial tone" means an audible tone sent from an automatic switching system to a customer to indicate the equipment is ready to receive dial signals.

"Digital" means a signal that carries information by discrete changes in its parameters. For digital transmission of analog information, the incoming voice,

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data or video signals are sampled periodically and digitally coded for transport through the network.

"Electing Provider" has the same meaning as "Electing Provider" defined in Section 13-506.2(a)(1) of the Act.

"Emergency situation" means an emergency situation as that term is defined in 83 Ill. Adm. Code 732.10.

"Exchange area" means a unit established by an Electing Provider and approved by the Commission for the administration of telecommunications service in a specified geographical area. It may consist of one or more central offices together with associated plant used in furnishing telecommunications services in that area. Exchange areas are identified on exchange boundary maps on file with the Commission.

"Installation trouble report" means any network trouble report filed within 7 days after the completion of a basic local exchange service installation on the same line.

"Interoffice trunk" means a communication path between 2 central offices.

"Line" means the conductor or conductors, supporting circuit equipment, and structures extending between customer network interfaces and central offices, or between central offices, whether they be in the same or different communities.

"Local exchange carrier" means a telecommunications carrier certificated by the Commission to provide intra-exchange and/or inter-exchange service within the same market service area.

"Local exchange service" means the same as "local exchange telecommunications service" as defined in Section 13-204 of the Act.

"Local exchange service area" means the area in which telecommunications service is furnished to customers under a specific schedule of rates and without toll charges. A local exchange service area may include one or more exchange areas or portions of exchange areas.

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"Local loop" means a channel between a customer's network interface and its serving central office.

"Map" means a drawing showing a geographical area in which an Electing Provider furnishes telecommunications services.

"Message" means a completed customer call.

"Network" means the aggregate of transmission systems and switching systems. It is an arrangement of channels, such as loops, trunks and associated switching facilities.

"Network interface" means the point of termination on the customer premises at which the Electing Provider's responsibility for the provision and maintenance of network channel or line service ends. The network interface is part of the network and the order of appearance of central office lines on it is determined solely by the Electing Provider

"Noise to Ground" or "Ng" means the noise measured between ground and the tip and ring conductors. The customer does not hear the noise to ground, but the amount of noise to ground affects the amount of noise metallic that a customer hears.

"Noise metallic" or "Nm" means the noise measured across the tip and ring of a circuit and is the noise that the customer hears.

"Out of Service > 30 Hours" means that 30 hours after reporting an out-of-service condition to the Electing Provider, the customer still has no dial tone, or cannot be called, or cannot call out. This term excludes call blocking or any other intentional alteration to an end user's calling or call receiving ability.

"Outside plant" means the telecommunications equipment and facilities installed on, along, over, or under streets, alleys, highways, or on private rights-of-way between the central office and customer locations or between central offices.

"Premises" means the space occupied in a single local exchange area by a customer in a building or in adjoining buildings not separated by a public thoroughfare or in a public office building in which the customer's office space is all contiguous.

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"Telecommunications service" has the same meaning ascribed to that term in Section 13-203 of the Act.

"Traffic" means call volume based on number and duration of messages.

"Transmission" means the process of sending information from one point to another.

"Trouble report" means any customer complaint to the Electing Provider regarding the operation of the network affecting its basic local exchange service, including both service-affecting conditions or out-of-service conditions.

"Trunk" means a transmission path between switching units, switching centers and/or toll centers.

"Working line" means an active access line or channel.

Section 737.120 Waiver

The Commission, on application of an Electing Provider, customer, applicant or end user or on its own motion, may grant a temporary or permanent waiver from this Part, or any individual requirements contained in this Part, in individual cases where the Commission finds that:

- a) The provision from which the waiver is granted is not statutorily mandated;
- b) No party will be injured by the granting of the waiver; and
- c) The rule from which the waiver is granted would, as applied to the particular case, be unreasonable or unnecessarily burdensome.

Section 737.130 Reporting

- a) Each Electing Provider shall provide to the Commission on a quarterly basis, and in a form suitable for posting on the Commission's website, a public report that includes the following data for basic local exchange service quality of service shown for each of the 3 months of the quarter for which the report is filed. The report shall be provided to the Commission within 30 days after the end of each calendar quarter.

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- 1) With regard to credits due to out-of-service conditions lasting more than 30 hours:
 - A) the total dollar amount of any customer credits paid;
 - B) the number of credits issued for repairs between 30 and 48 hours;
 - C) the number of credits issued for repairs between 49 and 72 hours;
 - D) the number of credits issued for repairs between 73 and 96 hours;
 - E) the number of credits issued for repairs between 97 and 120 hours;
 - F) the number of credits issued for repairs greater than 120 hours; and
 - G) the number of exemptions claimed for each of the categories identified in Section 737.300(a)(4).
- 2) With regard to credits due to failure to install basic local exchange service within 5 business days:
 - A) the total dollar amount of any customer credits paid;
 - B) the number of installations after 5 business days;
 - C) the number of installations after 10 business days;
 - D) the number of installations after 11 business days; and
 - E) the number of exemptions claimed for each of the categories identified in Section 737.300(a)(4).
- 3) With regard to credits due to missed appointments:
 - A) the total dollar amount of any customer credits paid;

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- B) the number of any customers receiving credits; and
 - C) the number of exemptions claimed for each of the categories identified in Section 737.300(a)(4).
- b) The Electing Provider shall, on an annual basis, submit to the Commission a report that includes, for informational reporting, the performance data described in Section 737.200(a)(1), (2) and (3), and trouble reports per 100 access lines, calculated in accordance with Sections 737.220, 737.230, 737.240 and 737.250, respectively. The annual report shall be filed within 90 days after the end of each calendar year. The first annual report filed pursuant to this subsection shall include performance data for each of the months of July through December of 2010. Each subsequent Annual Report shall include performance data for each of the 12 months of the calendar year subject to the Report.
- c) Electing Providers are responsible for maintaining records that verify the accuracy of the information reported pursuant to this Section for a period of no less than one year.

SUBPART B: STANDARDS OF QUALITY OF SERVICE

Section 737.200 Service Quality for Basic Local Exchange Service

An Electing Provider shall meet the following service quality standards in providing basic local exchange service.

- a) Install basic local exchange service within 5 business days after receipt of an order from the customer unless the customer requests an installation date that is beyond 5 business days after placing the order for basic service and to inform the customer of the Electing Provider's duty to install service within this timeframe. If installation of service is requested on or by a date more than 5 business days in the future, the Electing Provider shall install service by the date requested.
- b) Restore basic local exchange service for the customer within 30 hours after receiving notice that the customer is out of service.
- c) Keep all repair and installation appointments for basic local exchange service if a customer premises visit requires a customer to be present. The appointment

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window shall be either a specific time or, at a maximum, a 4-hour time block during evening, weekend and normal business hours.

- d) Inform a customer when a repair or installation appointment requires the customer to be present.

Section 737.220 Calculation of Performance Data for Installation

- a) For purposes of the annual informational reporting requirement of Section 737.130(b), each Electing Provider shall report the monthly percentage of its basic local exchange service installations completed within 5 business days after the customer requests installation or by a later date as requested by the applicant, as subject to the exclusions set forth in Section 737.300(a)(4)(A). For purposes of calculating this percentage, the time it takes to complete a basic local exchange service installation shall be measured from the date the customer makes that application or request to the date the installation order is completed and signed off by the carrier as completed.
- b) This Section does not apply to the migration of a customer between telecommunications carriers, so long as the customer maintains dial tone.
- c) An Electing Provider offering basic local exchange service utilizing the network or network elements of another carrier shall install new lines for basic local exchange service within 3 business days after provisioning of the line or lines has been completed by the carrier whose network or network elements are being utilized.

Section 737.230 Calculation of Performance Data for Out-of-Service Conditions

- a) For purposes of the annual informational reporting requirement of Section 737.130(b), each Electing Provider shall report the monthly percentage of basic local exchange service out-of-service conditions up to the customer network interface cleared within 30 hours after outages are reported by the customer.
- b) The percentage required to be reported pursuant to subsection (a) shall be calculated as follows: each occurrence shall be measured from the "create date and time" to the "cleared date and time".
- c) The requirement set forth in subsection (a) shall be calculated as follows:

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$$1) \quad a - (c + d + e + f + g + h + i) = o$$

or

the "adjusted number of out-of-service conditions
not repaired within 30 hours"

$$2) \quad b - (c + d + e + f + g + h + i) = p$$

or

the "adjusted number of out-of-service calls"

$$3) \quad \frac{o}{p + w} \times 100 = x$$

$$4) \quad (100 - x) = \textit{percent repaired within 30 hours}$$

5) Variables used in the formulas in subsections (c)(1) through (4) are defined as follows:

- a = Total number of out-of-service conditions not repaired within 30 hours
- b = Total number of out-of-service calls received by the Electing Provider
- c = Subsequent reports for the same out of service condition
- d = Condition caused by payphone equipment
- e = Condition caused by customer premises equipment (CPE) or inside wire
- f = Exclusion due to no access to the property (when access is required)
- g = Exclusion due to customer requested later appointment

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- h = Exclusion due to emergency situations
 - i = Exclusion due to negligent or willful act on part of customer
 - o = Adjusted number of out-of-service conditions not repaired within 30 hours
 - p = Adjusted number of out-of-service calls received by the Electing Provider
 - w = Out-of-service conditions due to a severe storm, tornado, earthquake, flood or fire, including any severe storm, tornado, earthquake, flood or fire that prevents the Electing Provider from restoring service due to impassable roads, downed power lines or the closing off of affected areas by public safety officials
- d) The information to be reported pursuant to this Section shall include out-of-service conditions occurring on holidays or weekends.

Section 737.240 Calculation of Performance Data for Missed Installation or Repair Appointments

- a) For purposes of the annual reporting requirement of Section 737.130(b), each Electing Provider shall report the monthly number of missed installation and repair appointments for customers of basic local exchange service made in accordance with the requirement of Section 737.200(a)(3).
- b) The total number of missed appointments reported pursuant to this Section shall not include:
 - 1) those appointments missed due to customer-caused delays;
 - 2) customer-missed appointments; or
 - 3) delayed appointments with respect to which the Electing Provider notified the customer of the delay and the reason for that delay no later than 8:00 pm of the day prior to the scheduled date of the appointment.

Section 737.250 Calculation of Performance Data for Trouble Reports

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For purposes of the annual reporting requirement of Section 737.130(b), each Electing Provider shall report the monthly number of trouble reports per 100 access lines, to be calculated by dividing the number of customer-initiated network trouble reports in any given month that are cleared to network dispositions, less customer premises equipment (CPE), inside wire, or emergency situations, by the total number of access lines in service. The rate shall be reported on a per 100 access line basis.

SUBPART C: CUSTOMER CREDITS

Section 737.300 Customer Credits for Basic Local Exchange Service Violations

- a) Customers shall be credited by the Electing Provider for violations of basic local exchange service quality standards described in Section 737.200. The credits shall be applied automatically on the statement issued to the customer for the next monthly billing cycle following the violation or following the discovery of the violation. The next monthly billing cycle following the violation or the discovery of the violation means the billing cycle immediately following the billing cycle in process at the time of the violation or discovery of the violation, provided the total time between the violation or discovery of the violation and the issuance of the credit shall not exceed 60 calendar days. The Electing Provider is responsible for providing the credits and the customer is under no obligation to request those credits and the credits shall be identified as Service Quality or SQ credits. The following credits shall apply:
 - 1) If an Electing Provider fails to repair an out-of-service condition for basic local exchange service within 30 hours as required under Section 737.200(a)(2), the Electing Provider shall provide a credit to the customer. If the service disruption is for more than 30 hours, but not more than 48 hours, the credit must be equal to a pro-rata portion of the monthly recurring charges for all basic local exchange services disrupted. If the service disruption is for more than 48 hours, but not more than 72 hours, the credit must be equal to at least 33% of one month's recurring charges for all local services disrupted. If the service disruption is for more than 72 hours, but not more than 96 hours, the credit must be equal to at least 67% of one month's recurring charges for all basic local exchange services disrupted. If the service disruption is for more than 96 hours, but not more than 120 hours, the credit must be equal to one month's recurring charges for all basic local exchange services disrupted. For each day or portion of that day that the service disruption continues beyond the

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initial 120-hour period, the Electing Provider shall also provide an additional credit of \$20 per calendar day.

- 2) If an Electing Provider fails to install basic local exchange service as required under Section 737.200(a)(1), the Electing Provider shall waive 50% of any installation charges, or in the absence of an installation charge or when installation is pursuant to the Link Up program, the Electing Provider shall provide a credit of \$25. If an Electing Provider fails to install service within 10 business days after the service application is placed, or fails to install service within 5 business days after the customer's requested installation date, if the requested date was more than 5 business days after the date of the order, the Electing Provider shall waive 100% of the installation charge, or in the absence of an installation charge or where installation is provided pursuant to the Link Up program, the Electing Provider shall provide a credit of \$50. For each day that the failure to install service continues beyond the initial 10 business days, or beyond 5 business days after the customer's requested installation date, if the requested date was more than 5 business days after the date of the order, the Electing Provider shall also provide an additional credit of \$20 per calendar day until the basic local exchange service is installed.
 - 3) If an Electing Provider fails to keep a scheduled repair or installation appointment when a customer premises visit requires a customer to be present as required under Section 737.200(a)(3), the Electing Provider shall credit the customer \$25 per missed appointment. A credit required by this subsection (a)(3) does not apply when the Electing Provider provides the customer notice of its inability to keep the appointment no later than 8:00 pm of the day prior to the scheduled date of the appointment.
- b) Credits required by this Section do not apply if the violation of a service quality standard:
- 1) occurs as a result of a negligent or willful act on the part of the customer;
 - 2) occurs as a result of a malfunction of customer-owned telephone equipment or inside wiring;
 - 3) occurs as a result of, or is extended by, an emergency situation as defined in 83 Ill. Adm. Code 732.10;

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- 4) is extended by the Electing Provider's inability to gain access to the customer's premises due to the customer missing an appointment, provided that the violation is not further extended by the Electing Provider;
- 5) occurs as a result of a customer request to change the scheduled appointment, provided that the violation is not further extended by the Electing Provider;
- 6) occurs as a result of an Electing Provider's right to refuse service to a customer as provided in Commission rules; or
- 7) occurs as a result of a lack of facilities when a customer requests service at a geographically remote location, where a customer requests service in a geographic area where the Electing Provider is not currently offering service, or when there are insufficient facilities to meet the customer's request for service, subject to an Electing Provider's obligation for reasonable facilities planning.

SUBPART D: SAFETY OF SERVICE EQUIPMENT AND FACILITIES

Section 737.400 Safety

An Electing Provider shall furnish, provide and maintain service instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees and public and as shall be in all respects adequate, reliable and efficient without discrimination or delay. Every Electing Provider shall provide service and facilities that are in all respects environmentally safe.

Section 737.410 Emergency Operation

- a) Each Electing Provider shall make provisions to meet emergencies resulting from failures of commercial or power service, sudden and prolonged increases in traffic, illness of personnel, fire, storm or other natural disasters. Each Electing Provider shall inform employees of the procedures to be followed in the event of an emergency in order to prevent or minimize interruption or impairment of telecommunications service.

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- b) Each existing central office will contain a reserve battery supply of 5 hours when emergency power generators are not installed and 3 hours when they are in place. Central office batteries shall be maintained in accordance with Institute of Electrical and Electronic Engineers (IEEE) standards as adopted in Section 737.420, and records verifying maintenance shall be kept on site. New central offices or central offices being replaced shall contain a reserve battery supply of 8 hours when emergency power generators are not installed and 5 hours when they are in place. In central offices without installed emergency power generators, a mobile power unit shall be available that can be delivered and connected within 5 hours.
- c) In new central offices exceeding 3,000 working lines, a permanent power generator shall be installed. For existing central offices having over 3,000 lines, permanent power generators shall be installed at the time of office replacement or battery replacement.
- d) Emergency generator units shall have available at least a 12 hour fuel supply.
- e) Emergency generator units shall be tested under load once a month. A record of the test results shall be maintained.

Section 737.420 Incorporation of National Codes and Standards

- a) The Commission adopts as its rules the following portions of the National Electric Safety Code (NESC) (1997 edition, approved June 6, 1996, published by the Institute of Electric and Electronic Engineers, Inc. (IEEE), 345 East 47th Street, New York, New York 10017):
 - 1) Section 2 (Definitions of Special Terms).
 - 2) Section 9 (Grounding Methods of Electric Supply and Communications Facilities).
- b) The Commission adopts as its rules the following publications of the IEEE:
 - 1) IEEE Std 1188-1996 Recommended Practice for Maintenance, Testing, and Replacement of Valve-Regulated Lead-Acid (VRLA) Batteries for Stationary Applications.

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- 2) IEEE Std 450-1995 Recommended Practice for Maintenance, Testing and Replacement of Lead Acid Batteries for Stationary Applications.
- c) These incorporations do not include any later amendments or editions.

Section 737.430 Network Outages and Notification

- a) Each Electing Provider shall inform the Commission verbally of any service interruption exceeding 15 minutes duration caused by a complete or partial central office failure, or complete or partial isolation of an exchange due to toll circuit failure, including cut cables. The notification shall be made via telephone call to (217)558-6166 and shall consist of the following information:
 - 1) Affected Area Code/Prefix
 - 2) Exchange name
 - 3) Electing Provider name
 - 4) Cause of interruption
 - 5) Outage date and time
 - 6) Restoral date and time
 - 7) Effect on 9-1-1 service
 - 8) Name and number of persons reporting the service interruption.
- b) A follow-up written report shall be filed within 30 days, either via U.S. Postal Service, facsimile or e-mail.
- c) Minor outages shall be reported within 24 hours or during the next normal business day when more than 100 access lines experience an outage. Minor outages consist of loss of local or toll service affecting less than 50% of the customers and affecting more than 100 access lines in the affected exchange for a period of time not to exceed 12 hours.
- d) Major outages shall be reported immediately via telephone call to (217)558-6166.

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- e) Major outages consist of complete loss of local or toll service affecting equal to or more than 50% of the customers in the affected exchange or when any outage is expected to exceed 12 hours.
- f) All outages affecting 9-1-1 services shall be reported in accordance with 83 Ill. Adm. Code 725, Standards Applicable to 9-1-1 Emergency Systems. In particular, any cut cables or loss of host-remote links that result in the physical staffing of 9-1-1 call boxes are to be reported as soon as possible.
- g) Whenever it is necessary to interrupt customer service for the purpose of working on the distribution system or central office equipment, the work should be completed with minimal customer impact. The Electing Provider shall use reasonable efforts to notify in advance public service customers (e.g., 9-1-1 entities, police, fire, hospitals) it reasonably believes may be most seriously affected by the interruption. Any customer credits for interrupted service shall be made pursuant to Section 737.300.

Section 737.440 Interoffice Trunks

Local interoffice trunks and intraoffice trunks, interoffice toll trunks, and the intertoll trunk and any related switching components shall be engineered so that at least 98% of calls shall not encounter an All Trunks Busy (ATB) condition and at least 98% of properly dialed incoming interMSA calls, during the busy hour, shall receive ringing signal, station busy tone, or intercept (other than ATB) on the first attempt. When the completion rate falls below 98% for 3 consecutive months, corrective action shall be initiated and the action reported to the Commission.

Section 737.450 Central Office Administrative Requirements

- a) Central office capacity and equipment shall be sufficient to provide a dial tone within 3 seconds on 95% of all calls placed during the busy hour of any given day. Whenever the dial tone rate falls below 95%, the local exchange carrier shall take corrective action and report that action to the Commission.
- b) All remote switching units are to be equipped to continue to perform basic internal switching functions if a base unit connection is interrupted.

SUBPART E: BOUNDARIES

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Section 737.500 Map Requirements

Each Electing Provider shall have on file with the Commission an exchange area boundary map for each of its exchanges within the State of Illinois.

Section 737.510 Map Specifications

- a) An Electing Provider boundary map filed after the effective date of this Part shall be in accordance with an already-existing certificate of service authority, a Petition for a new Certificate of Service Authority, or a notice submitted pursuant to 83 Ill. Adm. Code Section 730.711.
- b) Each map shall show the boundary lines of the area the Electing Provider holds itself out to serve in connection with the exchange. Exchange boundary lines shall be located by appropriate measurement to an identifiable location if that portion of the boundary line is not otherwise located on section lines, waterways, railroads or roads.
- c) The name of the Electing Provider filing the map shall be placed at the left side of the top of the map and the name of the exchange followed by the words "(Name of carrier) Exchange Area Boundary Map" shall be placed at the right side of the top of the map. The first filing of a map shall be designated by the word "Original" placed just below the words "(Name of carrier) Exchange Area Boundary Map". If the map is subsequently refiled, the words "First Revisions" shall be substituted for the word "Original", and on each subsequent refiling the next higher number shall be substituted for the number preceding the word "Revision" on the last map filed. The date of the issuance of the new boundary map shall be placed under the word "Original" or "Revision."

Section 737.520 Changes to Existing Boundaries

No telecommunications carrier shall make a change to any of its exchange area boundaries, except upon 45 days notice to any affected customers and 90 days notice to the Commission. These notices shall meet the following requirements:

- a) Notice to the Commission shall be filed with the Chief Clerk's Office with a copy to the Chief Telephone Engineer. The Chief Telephone Engineer will have the notice posted to the ICC's web site within 7 calendar days after receipt. This

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notice shall be accompanied by a new exchange area boundary map for any exchange area affected by the revision, with the new maps conforming to the provisions of 83 Ill. Adm. Code 737.510. If there are any customers whose local exchange service will be affected by the proposal, then the Commission Notice shall also be accompanied by a copy of the customer notice as well as the names, addresses and telephone numbers of each customer being sent a copy of the notice. If the proposed revision affects the boundary line of more than one carrier, the notice shall also be accompanied by a verified statement that the revised boundary lines have been agreed to by the other local exchange carriers or other Electing Providers adjoining the boundary lines to be changed.

- b) Notice to customers. The carrier shall provide notice to those customers located within the area being changed, and the notice shall be dated and sent by mail to the affected customers. The notice shall provide specific details as to the carrier's proposal, including what impact it will have on the customer's telephone number, calling areas and rates. The notice shall also specifically inform the customer that it has 45 days after the mailing of the dated notice to express opposition to or support for the proposed boundary change by calling the Commission's Chief Telephone Engineer at (217)524-5072.
- c) Proposed boundary changes shall go into effect after the stated 90 days notice, unless the Commission, upon its own motion or upon complaint, initiates an investigation of the proposed exchange area boundary. In these cases, the Commission may, after notice and hearing, prohibit the proposed exchange area boundary change if the Commission finds that the change would be contrary to the public interest.
- d) For any boundary change that will result in the elimination of an exchange in its entirety, the carrier shall file a petition with the Commission seeking the issuance of a new Certificate of Service Authority.

Section 737.530 Service Outside Exchange Boundaries

- a) No telecommunications service will be established outside the exchange boundary of the exchange that normally would provide service except on an emergency temporary basis or after the serving Electing Provider has filed a notice of proposed boundary change with the Commission.

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- b) In cases where local exchange telecommunications service is provided outside the exchange boundary of the normal serving exchange without authorization of the Commission (other than foreign exchange service) and the location of the service is in the exchange of another local exchange carrier certificated by the Commission, the service shall be discontinued as soon as facilities are made available from the exchange in which the service is located. The customer whose service is affected by this Section shall be given at least 90 days notice prior to the time service can be provided from the proper telephone exchange.

Section 737.540 Map Maintenance

Each Electing Provider shall maintain and make available for public inspection a map of each exchange served.

SUBPART F: CONSTRUCTION AND MAINTENANCE

Section 737.600 Construction and Maintenance

- a) Each Electing Provider shall place a minimum of 80% of all newly constructed outside cable plant facilities (measured in sheath miles) underground.
- b) The telecommunications outside plant shall be designed, constructed, maintained and operated in accordance with the provisions of 83 Ill. Adm. Code 305 and 83 Ill. Adm. Code 265.

Section 737.610 Maintenance of Plant and Equipment

Each Electing Provider shall:

- a) Adopt a maintenance program for its equipment based on the minimum standards set forth in this Part. The program shall be updated regularly, but not less than every 2 years, unless an earlier update is requested by the Commission.
- b) Inspect every 2 years, in accordance with the NESC standards identified in 83 Ill. Adm. Code 305, its electrical grounding equipment owned by the carrier for each central office, including, without limitation, the component of the system commonly known as the master ground bar to ascertain the integrity of the central office ground field. The Electing Provider shall maintain a copy of the test results in its office and make that copy available for inspection. The inspection shall be performed annually if one of the following events occurs: an office conversion

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(replacement of the current switching equipment), a building addition to a central office, or renovations to the building facilities and grounds, such as water, sewer, gas, electric facilities or parking lot.

- c) Make a copy, on a monthly basis, of its database for switching equipment applicable to each central office and store the copy off site or in a fireproof on-site storage for use in emergency restoration purposes (any copying and storage must be performed in accordance with current software backup procedures).
- d) Make a copy, on a monthly basis, of its digital access and cross-connect system (DACS) database for each central office, if technically feasible, and store the copy off site or in a fireproof on site storage for use in emergency restoration purposes (any copying and storage must performed in accordance with current software backup procedures).
- e) Make a copy, on a monthly basis, of its fiber optic terminal database for each central office, if technically feasible, and store the copy off site or in a fireproof on-site storage for emergency restoration purposes (any copying and storage must be performed in accordance with current software backup procedures).

Section 737.620 Network Interface

- a) Telecommunications carriers shall have in place, no later than December 31, 2003, external combination protector/demarcation interfaces for all one- and two-line customers in single tenant residences and commercial buildings.
- b) The network interface for a residential customer shall be located on a structure owned, rented or leased by the customer, in which the customer resides.
- c) The network interface for business customers shall be located outside structures owned, rented or leased by the customer, in which the customer is conducting business. The demarcation point shall be located at the minimum point of penetration of the network cable to the building, normally within 25 feet. Deviation from this location must be mutually agreeable to the building owner and the telecommunications provider.
- d) Network interfaces shall not be located on fence posts, utility poles or cable pedestals.

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- e) Network interfaces for temporary services or serving trailers, boats or customer-owned pay telephones shall be located on structures provided by the customer or on a utility pole.

Section 737.630 Transmission Requirements

Electing Providers shall furnish and maintain plant, equipment and facilities to meet the following minimum transmission standards. The transmission standards set forth in this Section are based upon measurements from the network interface at the customer premises through the local loop to a nominal 48-volt central office and measured at a frequency of 1004 hertz.

- a) Local line analog loops shall have a loop resistance not exceeding the operating design of the associated central office equipment. Longer loops may be used by deployment of loop range extenders.
- b) All analog loops are to be maintained to a minimum of 40,000 ohms insulation resistance.
- c) Transmission loss of analog local loop shall be engineered not to exceed 10.0 dB when measured in accordance with subsection (a). The local loop transmission loss shall be adjusted to 10.0 dB or less if it exceeds 10.0 dB.
- d) Transmission loss in analog interoffice trunks shall be engineered not to exceed 7 dB. If the loss exceeds expected design loss by + or - 3.5 dB, it shall be corrected to within 1 dB of the design loss.
- e) Transmission loss on analog toll terminating trunks shall be engineered not to exceed 4 dB. If the loss exceeds expected design loss by + or - 3.5 dB, it shall be corrected to within 1 dB of the design loss.
- f) Transmission loss on all digital interoffice trunks shall be engineered and maintained not to exceed 6 dB.
- g) Loop current shall be maintained at 20 milliamperes or greater.
- h) Power influence (N_g) shall not exceed 90 dBrc.
- i) Circuit noise (N_m) shall not exceed 30 dBrc.

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- 1) Heading of the Part: Tariff Filings
- 2) Code Citation: 83 Ill. Adm. Code 745
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
745.15	Amendment
745.20	Amendment
745.30	Amendment
745.40	Amendment
745.200	Amendment
745.221	Amendment
745.230	New Section
745.230 EXHIBIT B	Amendment
- 4) Statutory Authority: Implementing Sections 13-501, 13-502, 13-503, 13-504 and 13-505 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-501, 13-502, 13-503, 13-504, 13-505 and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act (PA) 96-927 amends the provisions of the Public Utilities Act (Act) related to telecommunications. Among other significant changes, PA 96-927 eliminates application of the provisions of Sections 13-501, 13-502, and 13-503 to local exchange carriers (LECs) that elect market regulation for their competitive retail telecommunications services.

Section 13-501 of the Act requires that all telecommunication carriers file tariffs when offering or providing telecommunications services. Section 13-502 of the Act generally identifies the classification system, and related procedures for implementing this classification system, to be used when filing telecommunications service tariffs. Section 13-503 of the Act prescribes publication and filing provisions for rates and charges for telecommunications services.

While PA 96-927 eliminates application of the provisions of PUA Sections 13-501, 13-502, and 13-503 to LECs that elect market regulation for their competitive retail telecommunications services, it also adds Section 13-506.2(i) that requires LECs that elect market regulation for their competitive retail telecommunications services to file tariffs for their telecommunications services. PA 96-927 revises, but does not eliminate, tariffing requirements for LECs that elect market regulation for their competitive retail telecommunications services.

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Public Act 96-927 also amends Sections 13-503 and 13-505 of the Act.

Telecommunications carriers must, pursuant to new requirements added to Section 13-503, make rates, terms, and conditions accessible electronically through their websites. PA 96-927 also amends Section 13-505 of the Act, which concerns the nature and timing of notices that telecommunications carriers must follow when noticing the Commission and customers of competitive rate increases. In particular, Section 13-505 now requires that notice of rate changes be given to all potentially affected customers no later than the prior billing cycle and eliminates procedures related to hearings concerning the justness and reasonableness of competitive rates (rates that are no longer subject to just and reasonable standards).

83 Ill. Adm. Code 745 implements provisions of Sections 13-501, 13-502, 13-503, and 13-505 of the Act. The proposed amendments will update Part 745 to specify the application of several of the provisions of Part 745 to LECs that elect market regulation for their competitive retail telecommunications services and to incorporate changes to Sections 13-503 and 13-505 of the Act.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the Illinois Register in Docket 11-0625, with:

Elizabeth Rolando
Chief Clerk
Illinois Commerce Commission

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527 East Capitol Avenue
Springfield IL 62701
(217)782-7434

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: Filing requirements
 - C) Types of professional skills necessary for compliance: Managerial skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 745
TARIFF FILINGS

SUBPART A: GENERAL PROVISIONS

Section	
745.10	Applicability
745.15	Definitions
745.20	General Filing Requirements
745.30	Classification of Tariffs
745.40	Temporary Corrections

SUBPART B: NONCOMPETITIVE TARIFFS

Section	
745.100	Filing Requirements for Noncompetitive Tariffs
745.110	Simplified Noncompetitive Tariff Filings Under Section 13-504

SUBPART C: COMPETITIVE TARIFFS

Section	
745.200	Filing Requirements for Competitive Tariffs
745.210	Additional Provisions Concerning Tariffs Filed Under Section 13-502(e) (Repealed)
745.220	Post-filing Proceedings Under Section 13-502(e) (Repealed)
745.221	Rate Changes for Competitive Services
745.225	Interim Orders (Repealed)
745.230	Information Available to the Public

SUBPART D: RECLASSIFICATION OF SERVICES

Section	
745.300	Reclassification
745.EXHIBIT A	Notice of Competitive Tariff Filing Under Section 13-502(e)

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745.EXHIBIT B (Repealed)
Notice of Simplified Noncompetitive Tariff Filing Under Section 13-504

AUTHORITY: Implementing Sections 13-501, 13-502, 13-503, 13-504 and 13-505 of, and authorized by Section 10-101 of, the Public Utilities Act [220 ILCS 5/13-501, 13-502, 13-503, 13-504, 13-505 and 10-101].

SOURCE: Emergency rules adopted at 10 Ill. Reg. 765, effective January 1, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 10515, effective May 30, 1986; amended at 11 Ill. Reg. 8988, effective May 1, 1987; amended at 17 Ill. Reg. 10258, effective July 1, 1993; amended at 23 Ill. Reg. 1597, effective February 1, 1999; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 745.15 Definitions

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

"Competitive telecommunications service" means the same as the definition in Section 13-209 of the Act ~~[220 ILCS 5/13-209]~~.

"Electing Provider" means an Electing Provider as defined in Section 13-506.2(a)(1) of the Act.

"Prepaid calling service" means the same as defined in Section 13-230 of the Act.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 745.20 General Filing Requirements

- a) *No telecommunications carrier shall offer or provide telecommunications service unless and until a tariff is filed with the Commission which complies with this Part and which describes the nature of the service, applicable rates and other charges, terms and conditions of service, and the exchange, exchanges or other geographical area or areas in which the service shall be offered or provided* (~~Sections~~Section 13-501 and 13-506.2(i) of the Act).

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- b) As required by Section 13-503 of the Act, *with respect to rates or other charges made, demanded or received for any telecommunications service offered, provided or to be provided, whether such service is competitive or noncompetitive, and with the exception of rates or other charges for competitive retail telecommunications services provided by Electing Providers pursuant to Section 13-506.2 of the Act, telecommunications carriers shall comply with the publication and filing provisions of Sections 9-101, 9-102, and 9-103 of ~~the~~ that Act.*
- c) As required by Section 13-503 of the Act, telecommunications carriers shall make all tariffs available electronically to the public without requiring a password or other means of registration.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 745.30 Classification of Tariffs

- a) ~~As required by Section 13-502 of the Act, all telecommunication services offered or provided under tariff by telecommunications carriers shall be classified as either competitive or noncompetitive.~~ Any tariff filed with the Commission shall clearly indicate whether the service to be offered or provided is competitive or noncompetitive. Tariffs for noncompetitive services shall comply with Subpart B of this Part, and tariffs for competitive services shall comply with Subpart C of this Part.
- b) All tariffs shall state whether the service to be provided is an interexchange telecommunications service, a local exchange telecommunications service, a prepaid calling service, a customer owned pay telephone service, or some combination of these services, ~~neither or both.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 745.40 Temporary Corrections

- a) If, upon the presentation of tariffs for filing, an error is discovered either by the filing telecommunications carrier or the Staff of the Commission, the filing carrier may either temporarily correct or authorize Commission Staff to correct the following types of errors:

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- 1) [company name](#);
 - 2) incorrect sheet revision numbers;
 - 3) incorrect issue and/or effective dates; or
 - 4) coding errors.
- b) These temporary corrections shall necessitate the filing carrier to submit corrected pages either by hand or by overnight mail delivery.
- c) [A maximum of six unique errors per tariff filing may be corrected. Any filing containing an excess of six unique errors may be rejected.](#)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART C: COMPETITIVE TARIFFS

Section 745.200 Filing Requirements for Competitive Tariffs

- a) In addition to the requirements imposed by Subpart A of this Part, telecommunications carriers shall, with respect to tariffs filed pursuant to Section 13-502 of the Act under which competitive telecommunications services are to be offered or provided, comply with the requirements imposed on public utilities by 83 Ill. Adm. Code 255.30 (except subsections (i) and (j)) and with the remainder of this Section.
- b) All tariffs classifying a service as competitive shall clearly state that they are being filed pursuant to Section 13-502(b) [or 13-506.2](#) of the Act.
- c) All such tariffs [classifying a service as competitive, with the exception of competitive retail telecommunications services provided by Electing Providers pursuant to Section 13-506.2 of the Act](#), shall be accompanied by a verified statement (see 83 Ill. Adm. Code 200.130) that:
 - 1) specifically alleges that, for some identifiable class or group of customers in an exchange, group of exchanges, or some other clearly defined geographical area, ~~thesuch~~ service, or its functional equivalent, or a substitute service, is reasonably available from more than one provider,

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whether or not ~~the any such~~ provider is a telecommunications carrier subject to regulation under the Act;

- 2) specifically identifies, through the use of descriptions, maps, or equivalent means, the identifiable class or group of customers in an exchange, group of exchanges or other clearly defined geographical area for which the classification is made;
- 3) specifically describes the service, its functional equivalent, or the substitute service for which classification is being made; and
- 4) specifies:
 - A) one or more entities that provide the same service, its functional equivalent, or a substitute service; and
 - B) the identifiable class or group of customers in an exchange, group of exchanges or other clearly defined geographical area to whom such service is offered by such entity or entities.
- d) If a telecommunications carrier which files a tariff *classifying a service as competitive or reclassifying a previously noncompetitive telecommunications service as competitive also offers or provides noncompetitive telecommunications service, it shall file a study of the long-run service incremental cost for the service being classified as competitive at the time the tariff is filed, except when such service is a competitive retail telecommunications service provided by an Electing Provider pursuant to Section 13-506.2 of the Act (Section 13-502 of the Act).*
- e) Tariffs filed pursuant to Section 13-502(b) or 13-506.2 of the Act take effect immediately upon filing.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 745.221 Rate Changes for Competitive Services

- a) Requirements for proposed changes in rates for competitive services are found in Section 13-505 of the Act.
- b) Notice~~Prior notice~~ of an increase shall be given, no later than the prior billing

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cycle, to all potentially affected customers by mail, publication in a newspaper of general circulation, or equivalent means of notice, including electronic if the customer has elected electronic billing (Section 13-505~~(b)~~ of the Act).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 745.230 Information Available to the Public

As required by Section 13-503 of the Act, each telecommunications carrier that maintains a website shall provide, in conspicuous manner, information on the rates, charges, terms, and conditions of service available and a toll-free telephone number that may be used to contact an agent for assistance with obtaining rate or other charge information or the terms and conditions of service. (Section 13-503)

(Source: Added at 35 Ill. Reg. _____, effective _____)

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Section 745.EXHIBIT B Notice of Simplified Noncompetitive Tariff Filing under Section 13-504

(Date)

To the customers of _____ :
(Company)

The _____ (Company) hereby gives notice that on _____ (Date) it will file a proposed tariff that makes a change in its rates, charges, or classifications resulting in a change in rates or charges for local exchange telecommunications service pursuant to Section 13-504 of the Public Utilities Act.

- (1) (State whether the change is in rates, charges, classification, rule or regulation.)
- (2) (Give present and proposed rates so consumer can determine the effect on his or her bill.)
- (3) (Give area or exchange that is affected by tariff filing.)

This proposed tariff will become effective 30 days after it is filed with the Illinois Commerce Commission. The Commission must investigate whether the proposed change is just and reasonable if a telecommunications carrier that is a customer of the local exchange telecommunications carrier or 10 percent of the potentially affected subscribers of the company file a petition or complaint with the Chief Clerk of the Commission requesting an investigation.

Additional information concerning this filing may be obtained from _____ (Company), _____ (Address)

at _____ (Telephone No.), or from the Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, ~~P.O. Box 19280~~, Springfield, Illinois; ~~62704~~[62794-9280](tel:627949280), (217)782-7434.

(Signature)

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(Title)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Telecommunications Access for Persons with Disabilities
- 2) Code Citation: 83 Ill. Adm. Code 755
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
755.10	Amendment
755.105	Amendment
755.500	Amendment
755.505	Amendment
755.510	Amendment
755.520	Amendment
755.EXHIBIT A	Amendment
755.EXHIBIT B	Amendment
755.EXHIBIT C	Amendment
755.EXHIBIT D	Amendment
755.EXHIBIT E	Amendment
755.EXHIBIT G	Amendment
755.EXHIBIT H	Amendment
755.EXHIBIT L	Amendment
- 4) Statutory Authority: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-703 and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: PA 96-927 introduces Section 13-401.1 to the Public Utilities Act that requires existing fixed or non-nomadic interconnected voice over Internet protocol (VoIP) providers to register with the Commission. Existing fixed or non-nomadic interconnected VoIP providers were required to register no later than January 1, 2011. New fixed or non-nomadic interconnected VoIP providers are required to register at least 30 days before providing service in Illinois. In addition, PA 96-927 adds to Section 13-703 of the PUA a requirement that the fixed or non-nomadic interconnected VoIP providers collect and remit assessments, in the same manner as telecommunications carriers providing local exchange service, to the Commission's programs to provide telecommunications access for persons with disabilities. The proposed amendments implement this new assessment requirement.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 11-0626, with:
- Elizabeth Rolando
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
- 217/782-7434
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: Reporting procedures
- C) Types of professional skills necessary for compliance: Managerial skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did

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not anticipate the need for this amendment at that time.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 755
TELECOMMUNICATIONS ACCESS FOR PERSONS WITH DISABILITIES

SUBPART A: GENERAL PROVISIONS

Section	
755.10	Definitions
755.11	Waiver
755.15	Dispute Procedures
755.20	Notice (Repealed)
755.25	Deviations (Repealed)

SUBPART B: TELECOMMUNICATIONS CARRIER OBLIGATIONS

Section	
755.100	Components of ITAP Services
755.105	Execution and Administration of ITAP
755.110	Publicity Concerning ITAP
755.115	Application Procedure and Processing
755.120	Equipment
755.125	Equipment Set Specifications – Telebraille (Repealed)
755.126	Equipment Set Specifications – Text Telephone with LVD (Repealed)
755.130	Bids
755.135	ITAP Filing Requirements
755.145	Renewal of Agreements (Repealed)

SUBPART C: ELIGIBILITY AND PARTICIPATION

Section	
755.200	Disability Certification
755.205	Eligibility and Application for Equipment for Residents
755.210	Eligibility and Application for Equipment for Organizations
755.220	Time Period for Possession
755.225	Shared Residence
755.230	Change of Recipient Information

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SUBPART D: POSSESSION AND MAINTENANCE

Section	
755.300	Equipment Ownership and Liability
755.305	Recipient Responsibility
755.310	Responsibility for Maintenance

SUBPART E: OVERSIGHT AND REVIEW

Section	
755.400	Staff Liaison
755.405	Advisory Council
755.410	Advisory Council Rights
755.415	Biannual Workshop

SUBPART F: LINE CHARGE AND ASSESSMENT ADJUSTMENT MECHANISM

Section	
755.500	Annual Filings
755.505	Carrier Reports and Remittances to ITAC
755.510	Determination and Adjustment of the Line Charge <u>and Assessment</u>
755.515	Notice and Filing Requirements
755.520	Interim Line Charge <u>and Assessment</u> Adjustments
755.525	Waiver of Requirements of Section 755.500
755.EXHIBIT A	Calculation of Monthly Line Charge <u>and Assessment</u> (Schedule A-1)
755.EXHIBIT B	Comparison of Present and Proposed Line Charges <u>and Assessments</u> (Schedule A-2)
755.EXHIBIT C	Projection Period Statement of Revenues and Expenses at Present Line Charge <u>and Assessment</u> , As Adjusted (Schedule A-3)
755.EXHIBIT D	Prior Calendar Year Actual Revenues Over/(Under) Expenses (Schedule A-4)
755.EXHIBIT E	Schedule of Adjustment to Projected Cash Balance (Schedule A-5)
755.EXHIBIT F	Supporting Schedule of Planned Capital Expenditures During Projection Period (Schedule A-6)
755.EXHIBIT G	Schedule of Projected Increase to Cash Under Proposed Line Charge <u>and Assessment</u> Before Cash Adjustment (Schedule A-7)
755.EXHIBIT H	Call Volumes and Subscriber Lines <u>and Assessments</u> (Schedule A-8)

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755.EXHIBIT I	Depreciation Schedule (Schedule A-9)
755.EXHIBIT J	Projected Payroll Expenses, As Adjusted (Other than TRS Payroll Expenses) (Schedule A-10) (Repealed)
755.EXHIBIT K	Projected Line Charge Filing Expenses (Schedule A-11) (Repealed)
755.EXHIBIT L	Comparative Actual and Projected Balance Sheets, At Proposed Line Charge and Assessment , As Adjusted (Schedule A-12)
755.EXHIBIT M	Comparative Actual and Projected Statements of Revenues and Expenses at Proposed Line Charge, As Adjusted (Schedule A-13) (Repealed)
755.EXHIBIT N	Local Exchange Carrier Monthly Report to ITAC (Repealed)

AUTHORITY: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-703 and 10-101].

SOURCE: Adopted at 12 Ill. Reg. 3687, effective February 1, 1988; amended at 14 Ill. Reg. 3042, effective February 15, 1990; emergency amendments at 14 Ill. Reg. 19375, effective November 25, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 5624, effective April 15, 1991; amended at 17 Ill. Reg. 5594, effective March 31, 1993; amended at 19 Ill. Reg. 17105, effective January 1, 1996; expedited correction at 20 Ill. Reg. 11490, effective January 1, 1996; amended at 28 Ill. Reg. 860, effective January 1, 2004; amended at 28 Ill. Reg. 8875, effective July 1, 2004; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 755.10 Definitions

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

"Assessment" means the charge authorized by Section 13-703(f) of the Act.

"Centers for Independent Living " means organizations serving the needs of those persons with hearing or speech disabilities as described in Section 12a of the Disabled Persons Rehabilitation Act [20 ILCS 2405/12a].

"Commission" means the Illinois Commerce Commission.

"Deaf-blind" refers to a person who is deaf or hard-of-hearing and who also has a sight-disability and who can regularly and routinely communicate by telephone only through the aid of equipment.

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"Deaf or hard-of-hearing" refers to a condition of permanent hearing loss (whether continuous or variable) by which regular and routine telephone communication is possible only through the aid of equipment.

"Disability" refers to a condition of being permanently hearing disabled, deaf-blind, speech-disabled, hearing-sight disabled, or speech-sight disabled.

"Equipment" means telecommunications devices capable of servicing the needs of those persons with a hearing or speech disability as specified in ITAC's tariff pursuant to Section 755.135(a)(1).

"Hearing disability" refers to condition of being permanently deaf or hard-of-hearing.

"Hearing-sight disability" refers to a condition of permanent hearing and sight disability that renders regular and routine telephone communication possible only through the aid of equipment.

"Illinois Telecommunications Access Corporation" or "ITAC" means the not-for-profit corporation jointly established by Illinois telecommunications carriers providing local exchange service pursuant to Section 755.105 to administer programs mandated by Section 13-703 of the Act [220 ILCS 5/13-703].

"Interconnected Voice over Internet Protocol provider" or "interconnected VoIP provider" has the same meaning as "interconnected voice over Internet protocol provider" as defined in Section 13-235 of the Act. For purposes of this Part, Interconnected VoIP providers are limited to those providers subject to Section 13-401.1 of the Act.

"ITAP" or "~~program~~Program" means the Illinois Telecommunications Access Program, by which Illinois telecommunications carriers providing local exchange service shall provide the telecommunications devices capable of servicing the needs of subscribers with disabilities as required by Section 13-703 of the Act.

"Line charge" means the charge authorized by Section 13-703(c) of the Act.

"Organizations" means Centers for Independent Living and those Illinois-based not-for-profit organizations not owned or operated by any political subdivision, public institution of higher learning, state agency, or municipal corporation of this

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State whose primary purpose is serving the needs of those persons with disabilities.

"Personal service contracts" means all contracts entered into by ITAC, on behalf of the carriers for publicity/marketing and accounting.

"Projection period" means, for each annual filing required by Subpart F, a 12-month period beginning January 1 of the year in which the filing is made.

"Recipient" is a user or a parent or legal guardian of a minor user in whose name equipment is granted, as provided in Section 755.205(b).

"Social service agencies" means the ~~Illinois~~ Department of Human Services-~~Division~~~~Office~~ of Rehabilitation Services; Department on Aging; Department of ~~Healthcare and Family Services~~~~Public Aid~~; Department of Public Health; Department of Children and Family Services; ~~the~~ State Board of Education; ~~the~~ University of Illinois Division of Specialized Care for Children; ~~the~~ Illinois Deaf and Hard of Hearing Commission; and any other agency with which ITAC contracts to provide services for persons who are deaf-blind.

"Speech-disability" refers to a condition of permanent speech disability that precludes oral communication by which regular and routine telephone communication is possible only through the aid of equipment.

"Speech-sight disability" refers to a condition of permanent speech and sight disability that precludes oral communication, and by which regular and routine telephone communication is possible only through the aid of equipment.

"Staff" means individuals employed by the Illinois Commerce Commission.

"Subscriber lines" means a voice grade communication channel between a subscriber and a telecommunications carrier's public switched network, which would be required to carry the subscriber's interpremises traffic and which is capable of providing access through the public switched network to the Illinois relay system. A subscriber line does not include 800 lines or access lines used for official communications of telecommunications carriers providing local exchange service. For customer bills issued before June 1, 2004, in calculating charges on subscriber lines of telecommunications carriers, each centrex line shall be equivalent to one-tenth of a residence or business access line. For customer bills

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issued on or after June 1, 2004, in calculating charges on subscriber lines pursuant to 220 ILCS 5/13-703(c), one charge shall be applied for each five centrex lines, and five charges shall be applied for each PBX trunk. ITAC's tariff shall specify the manner of applying charges to other multi-channel technologies.

"Subscriptions" means a count of the maximum number of interconnected VoIP calls that an end-user may have active at the same time. If the interconnected VoIP provider's retail customer purchases a service or services that allows more than one interconnected VoIP call to be made from the customer's physical location at the same time, the number of subscriptions equals the maximum number of interconnected VoIP calls that the customer may have active at the same time. In the case of a business retail customer that purchases a service or services pursuant to a service agreement, the number of subscriptions equals the maximum number of interconnected VoIP calls that the customer may have active at the same time under the terms of the service agreements with that customer. In calculating assessments on business subscriptions, one assessment shall be applied for each five business subscriptions (i.e., the application of the assessment on business subscriptions shall mirror the application of the line charge to centrex lines).

"Telecommunications carrier" or "carrier" means a telecommunications carrier as that term is defined in Section 13-202 of the Act ~~[220 ILCS 5/13-202]~~ that is providing local exchange telecommunications service as defined in Section 13-204 of the Act ~~[220 ILCS 5/13-204]~~. For purposes of this Part, "telecommunications carrier" or "carrier" also includes telecommunications carriers that are mutual concerns as defined in Section 13-202(b) of the Act.

"Telecommunications relay service" ~~or "(TRS)"~~ or "~~relay~~Relay service call volumes" means all Illinois intrastate calls placed through the Illinois Relay Center, whether or not completed.

"User" means an Illinois resident with a disability whose eligibility has been established as provided in this Part for whose use equipment is provided, as set forth in Section 755.205.

"Voice grade access" means a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating that there is an incoming

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call. For the purposes of this Part, bandwidth for voice grade access is 300 to 3,000 Hertz.

"Voucher program" means a program for the distribution of equipment offered by ITAC, on behalf of the carriers, pursuant to Section 755.100(b).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART B: TELECOMMUNICATIONS CARRIER OBLIGATIONS

Section 755.105 Execution and Administration of ITAP

- a) Each carrier shall collect from its customers and remit to ITAC the monthly charge per subscriber line allowed by Section 13-703(c) of the Act and ordered by the Commission. ~~Until July 1, 2004, carriers that provide the resale of telecommunications services (as defined in Section 13-211 of the Act [220 ILCS 5/13-211]) may satisfy this requirement through contractual arrangements with incumbent local exchange carriers (as defined in Section 13-202-5 of the Act [220 ILCS 5/13-202.5]). All carriers shall identify the line charge on the customer's bill no later than July 1, 2004.~~ The line charge identification shall be "IL Telecom Relay Service and Equipment" or an equivalent phrase that is not detrimental to persons with disabilities. The charge applies to all subscriber lines as defined in Section 755.10.
- b) Each interconnected VoIP provider, directly or via another entity, shall collect from its customers and remit to ITAC the monthly assessment per subscription required by Section 13-703(f) of the Act and ordered by the Commission. Indirect remittances to ITAC shall indicate the interconnected VoIP provider on whose behalf assessments are being remitted. The assessment applies to all subscriptions as defined in Section 755.10. The requirements of this subsection (b) shall become effective January 1, 2011. For the period between January 1, 2011 and the effective date of the earliest Commission Order establishing an explicit assessment pursuant to Section 13-703(f) of the Act, each interconnected VoIP provider is required to collect from its customers and remit to ITAC a monthly assessment equal to the then effective line charge or centrex charge, as provided in Section 755.10.
- c)b) The carriers or ITAC, on their behalf, may make voluntary or contractual agreements with businesses, agencies of local, state, or Federal government,

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organizations, and other third parties for provision or distribution of equipment, maintenance, warehousing, training, administration, or miscellaneous supports services as required to fulfill the goals of this program in a manner consistent with the intent and provisions of the Act and this Part.

~~d)~~e) The carriers or ITAC, on their behalf, shall administer the ITAP so as to take full advantage of any economies of scale that may exist by centralizing the provision of ITAP services listed in Section 755.100. However, the carriers or ITAC, on their behalf, shall provide sufficient regional centers to insure a reasonable access to ITAP by persons with disabilities.

~~e)~~d) The carriers may determine and propose to the Commission for approval, subject to the requirements of Section 7-101 and 7-102 of the Act [220 ILCS 5/7-101 and 7-102], a plan for joint execution and administration of ITAP. If the Commission approves a plan for joint execution and administration of ITAP through a not-for-profit corporation or other entity, all carriers shall join and participate fully in the plan for joint execution and administration.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART F: LINE CHARGE AND ASSESSMENT ADJUSTMENT MECHANISM**Section 755.500 Annual Filings**

- a) On or before April 1 of each year, ITAC shall file with the Commission a verified petition requesting that the Commission establish the annual line charge and assessment, and shall file with the petition the following information, and shall serve the filing as provided in Section 755.515(b):
- 1) ITAC's audited financial statements as of December 31 of the prior calendar year;
 - 2) A projected balance sheet, projected statement of revenues and expenses, projected statement of cash flows, and a summary of significant projection assumptions and accounting policies for the projection period;
 - 3) A pro forma adjustment to annualize December levels of revenues and expenses for the projection period shall be added to the projected revenues and expenses;

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- 4) A statement from an independent certified public accountant that the projected balance sheet and statements of revenues and expenses and cash flows comply with the guidelines for presentation of a projection established in the "Guide for Prospective Financial Information" (copyright 1999) by the American Institute of Certified Public Accountants (1211 Avenue of the Americas, New York NY 10036), and that the underlying assumptions provide a reasonable basis for management's projections. No later amendment or edition of the "Guide for Prospective Financial Information" is included by this incorporation; and
- 5) Schedules for the projection period presenting the following information in the format of ~~Sections 755-~~Exhibit A through ~~755-~~Exhibit M ~~below~~:
 - A) A calculation of the proposed monthly line charge and assessment (Exhibit A);
 - B) A comparison of present and proposed line charges and assessments, as adjusted (Exhibit B);
 - C) A statement of revenues and expenses at present line charge and assessments, as adjusted (Exhibit C);
 - D) A statement of prior calendar year actual revenues over/(under) expenses (Exhibit D);
 - E) A schedule of adjustment to projected cash balance (Exhibit E);
 - F) A supporting schedule of planned capital expenditures during projection period (Exhibit F);
 - G) A schedule of projected increase to cash under proposed line charge and assessment before cash adjustment (Exhibit G);
 - H) A schedule of projected and historical TRS call volumes and projected and historical subscriber lines and assessments (Exhibit H);

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- I) A depreciation schedule (Exhibit I); and
 - J) Comparative actual and projected balance sheets, at proposed line charge and assessment, as adjusted (Exhibit L).
- b) For purposes of projecting subscriber lines and subscriptions for the projection period as required by subsection (a), it shall be assumed, with the exception of the 2011 calendar year period, that subscriber lines and subscriptions will increase or decrease annually, from the number of subscriber lines and subscriptions on December 31 of the prior calendar year reported by ITAC pursuant to subsection (a)(5)(H), at a weighted average growth rate. This growth rate shall be based on historical Illinois rates of increase or decrease in subscriber lines and subscriptions. For purposes of projecting subscriber lines and subscriptions for calendar year 2011 as required by subsection (a), it shall be assumed that subscriber lines and subscriptions will increase or decrease annually, from the number of subscriber lines on December 31 of the prior calendar year reported by ITAC pursuant to subsection (a)(5)(H) plus reported subscriptions as of December 31, 2010, at a weighted average growth rate. For purposes of projecting subscriptions for calendar year 2011, the weighted average growth rate shall be assumed to be zero.
- c) For purposes of projecting TRS call volumes for the projection period as required by subsection (a), forecasts of call volumes shall be based on historical Illinois TRS call volumes.
- d) For purposes of projecting expenses for the projection period as required by subsection (a), an annual inflation factor equal to the consensus Gross National Product implicit price deflator for the projection period, as reported in the publication "Blue Chip Economic Indicators" for January of the year in which the filing is made, shall be applied to all costs, excluding depreciation and costs fixed by contract between ITAC and another party, and other reasonably estimated costs.
- e) For purposes of establishing the proposed line charge and assessment for the projection period, ITAC shall make calculations so that the following amounts are reflected in the proposed line charge and assessment over a 12 month period:
- 1) projection period revenues (over)/under expenses at present line charge and assessment, as adjusted;

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- 2) the total difference, if any, between ITAC's actual revenues and ITAC's actual expenses for the prior calendar year; and
 - 3) any adjustment necessary so that ITAC's cash balance, under the proposed line charge and assessment, at the end of the projection period will be no less than one-eighth and no greater than one-fourth of ITAC's projected expenses, as adjusted, for the projection period, excluding depreciation, plus an allowance for planned capital expenditures during the projection period.
- f) ITAC shall make available to the Commission Staff all workpapers, documentation, and calculations supporting its annual filing.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 755.505 Carrier Reports and Remittances to ITAC

- a) Each carrier and interconnected VoIP provider (or affiliated entity on its behalf), as defined in this Part, shall provide a monthly remittance report to ITAC, indicating the number of subscriber lines excluding centrex lines, the number of centrex lines, PBX lines and other technologies indicated in ITAC's tariff and the number of subscriptions; the applicable line charges and assessments; revenues from each source; adjustments for errors (if any) in prior monthly reports; and the total remittance. All revenue amounts shall be reported net of uncollectible amounts prescribed by 83 Ill. Adm. Code 756.220(d) and shall be remitted to ITAC as reported. This data shall be presented in the format defined in ITAC's tariff. The Staff Liaison shall provide assistance to ITAC in monitoring remittances. Indirect remittances to ITAC shall indicate the interconnected VoIP provider on whose behalf reports are being remitted. The requirements of this subsection (a) shall become effective for interconnected VoIP providers on January 1, 2011. In addition, interconnected VoIP providers shall provide, on or before February 1, 2011, a report to ITAC indicating the number of residential subscriptions and the number of business subscriptions as of June 30, 2010. interconnected VoIP providers shall provide, on or before March 7, 2011, a report to ITAC indicating the number of residential subscriptions and the number of business subscriptions as of December 31, 2010.

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- b) Information at the reporting entity level, submitted to ITAC pursuant to this Section, shall be considered confidential and shall only be disclosed (other than to the Commission and its staff) pursuant to a valid and enforceable subpoena or court order or as required by the Freedom of Information Act [5 ILCS 140]. Information reported pursuant to this Part may, however, be aggregated (e.g., according to carrier class and/or technology) and reported publicly provided subscribership information specific to each reporting entity is not disclosed or discernible from the information reported to the public.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 755.510 Determination and Adjustment of the Line Charge and Assessment

- a) The Commission may, upon complaint, its own motion, or the petition of ITAC, enter upon a hearing concerning the propriety of the proposed line charge and assessment. If no hearing is held, the Commission shall issue an order determining the line charge and assessment level within 45 days after ITAC's annual filing. If a hearing is conducted, the Commission shall issue an order determining the line charge and assessment level within 105 days after ITAC's annual filing. If the Commission is unable to issue an order within this 105-day period, the Commission shall extend this period for a further period not exceeding six months.
- b) The Commission's order establishing the line charge and assessment shall be served on ITAC, the ITAP Advisory Council chairperson, the Staff Liaison, the Director of the Commission's Telecommunications Department, ~~and~~ all carriers, and interconnected VoIP providers.
- c) If any change in the line charge and assessment is ordered, the order shall direct each carrier to file a tariff within 15 days in compliance with the order and without further notice.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 755.520 Interim Line Charge and Assessment Adjustments

- a) ITAC may request, by petition, an interim line charge and assessment adjustment. This petition shall be verified and shall include documentation in substantially the same form as Exhibit A through Exhibit L of this Part supporting the need for an

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interim line charge and assessment adjustment and a projected cash flow statement. If a hearing is conducted, ITAC shall bear the burden of proof regarding the need for an interim line charge and assessment adjustment.

- b) The Commission shall issue an order on an expedited basis addressing any requested interim line charge and assessment adjustment, either denying, granting in full, or granting in part the requested interim line charge and assessment adjustment. The Commission's order shall be served on the same persons as in Section 755.510(b). If the Commission determines that an interim line charge and assessment adjustment is necessary, the order shall authorize an interim line charge, to remain in effect until subsequent order of the Commission. If the Commission's order authorizes an interim line charge and assessment adjustment, it shall direct all carriers to file tariffs in compliance with the order.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 755.EXHIBIT A Calculation of Monthly Line Charge and Assessment (Schedule A-1)

Line (A)	Description (B)	Amount (C)
1	Projection Period Revenues (Over)/Under Expenses At Present Line Charge <u>and Assessment</u> , As Adjusted (a)	_____
2	Prior Calendar Year Actual Revenues (Over)/Under Expenses (b)	_____
3	Adjustment To Projected Cash Balance (c)	_____
4	Subtotal	_____
5	End-of-Period Projected Subscriber Lines	_____
6	Annual Revenue Adjustment Per Subscriber Line (Line 4 Divided by Line 5 – Rounded to 4 Decimal Places)	_____
7	Increase (Decrease) in Monthly Line Charge <u>and Assessment</u> for Projection Period (Line 6 Divided by 12 Months – Rounded to 4 Decimal Places)	_____
8	Add: Present Line Charge <u>and Assessment</u>	_____
9	Subtotal (Line 7 Plus Line 8)	_____
10	Proposed Monthly Line Charge <u>and Assessment</u> (Line 9 Rounded to Next Higher Cent)	_____

(a) Amount from Line 17, column E, schedule A-3.

(b) Amount from line 17, column D, schedule A-4.

(c) Amount from line 6 or 11, column D, schedule A-5.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 755.EXHIBIT B Comparison of Present and Proposed Line Charges and Assessments (Schedule A-2)

Line (A)	Description (B)	Projection Period (Year) As Adjusted At Present Line Charge <u>and</u> <u>Assessment</u> (C)	Projection Period (Year) As Adjusted At Proposed Line Charge <u>and</u> <u>Assessment</u> (D)	Difference (Column D - Column C) (E)	Percentage Change (Column E/ Column C) (F)
1	Number of <u>Residential Subscriptions and</u> Subscriber Lines Excluding Centrex	_____	_____	_____	_____
2	Number of <u>Business Subscriptions and</u> Centrex Lines	_____	_____	_____	_____
3	Subscriber Line Charge <u>and</u> <u>Assessment</u> Excluding Centrex	_____	_____	_____	_____
4	Centrex Line Charge	_____	_____	_____	_____
5	Subtotal	_____	_____	_____	_____
6	Investment Income	_____	_____	_____	_____
7	TRS	_____	_____	_____	_____
8	Other:	_____	_____	_____	_____
9	Total Revenues	_____	_____	_____	_____

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	_____	_____	_____	_____
10	Expenses	_____	_____	_____
11	Revenue			
	Over/(Under)			
	Expenses	_____	_____	

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 755.EXHIBIT C Projection Period Statement of Revenues and Expenses at Present Line Charge and Assessment, As Adjusted (Schedule A-3)

Line (A)	Description (B)	Projection Period Ending 12/31/ (C)	Adjustment to Annualize December Levels (D)	Total (E)
1	Revenues			
2	Subscriber Line Charge <u>and</u> <u>Assessment</u>			
3	Investment Income			
4	TRS			
5	Other Income:			
6	TOTAL REVENUES			
7	Expenses:			
8	TRS			
9	Administration			
10	Equipment Distribution and Maintenance			
11	Legal			
12	Accounting and Consulting			
13	Depreciation			

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14	(Gain)/Loss on Property and Equipment Retirements	_____	_____	_____
15	Other Expenses:	_____	_____	_____
16	TOTAL EXPENSES	_____	_____	_____
17	Revenues Over (Under) Expenses	_____	_____	_____

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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**Section 755.EXHIBIT D Prior Calendar Year Actual Revenues Over/(Under) Expenses
(Schedule A-4)**

Line (A)	Description (B)	Year Ended 12/31/ <u> </u> (C)	Amount (D)
1	Revenues:		
2	Subscriber Line Charge <u>and</u> <u>Assessment</u>	_____	
3	Investment Income	_____	
4	TRS	_____	
5	Other Income:	_____	
6	TOTAL REVENUES		_____
7	Expenses:		
8	TRS	_____	
9	Administration	_____	
10	Equipment Distribution & Maintenance	_____	
11	Legal	_____	
12	Accounting and Consulting	_____	
13	Depreciation	_____	
14	(Gain)/Loss on Property and Equipment Retirements	_____	

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15	Other Expenses:	_____	

16	TOTAL EXPENSES		_____
17	Revenue Over/(Under) Expenses		_____

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 755.EXHIBIT E Schedule of Adjustment to Projected Cash Balance (Schedule A-5)

Line (A)	Description (B)	Amount (C)	Amount (D)
1	Projected Cash Balance at Proposed Line Charge <u>and Assessment</u> Before Cash Adjustment (a)	_____	
2	One-Eighth of Projected Expenses, As Adjusted (Excluding Depreciation and Gain/Loss on Property and Equipment Retirements)	_____	
3	Planned Capital Expenditures During Projection Period (b)	_____	
4	Line 2 plus Line 3	_____	
5	If Line 4 is greater than Line 1, enter amount from Line 4 here. If line 4 is less than line 1, go to line 7.		_____
6	Adjustment to Cash Balance (Line 5 minus Line 1)		_____
	*IF THERE IS AN ENTRY ON LINE 5, STOP HERE AND ENTER AMOUNT FROM LINE 6 ON LINE 3 OF SCHEDULE A-1		
7	One-Fourth of Projected Expenses, As Adjusted (Excluding Depreciation and Gain/Loss Property and Equipment Requirements)	_____	
8	Amount from Line 3	_____	
9	Line 7 plus Line 8	_____	
10	If Line 9 is less than Line 1, enter amount from Line 9 here. If Line 9 is greater than Line 1, there is no adjustment to Cash Balance.		

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11 Adjustment to Cash Balance (Line 10 minus Line 1)

*IF THERE IS AN ENTRY ON LINE 10, ENTER
AMOUNT FROM LINE 11 ON LINE 3 OF SCHEDULE
A-1.

(a) Amount from Line 7, Column D, Schedule A-7.

(b) Amount from Line 19, Column D, Schedule A-6.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 755.EXHIBIT G Schedule of Projected Increase to Cash Under Proposed Line Charge and Assessment Before Cash Adjustment (Schedule A-7)

Line (A)	Description (B)	Amount (C)	Amount (D)
1	Projected Cash Balance at Present Rates, as adjusted		<hr/>
2	Projected increase to Cash Balance at proposed line charge <u>and assessment</u> before cash adjustment calculation		
3	Projection Period Revenues (Over)/Under Expenses at Present Line Charge <u>and Assessment</u> , as adjusted (a)	<hr/>	
4	Prior period actual revenues (Over)/Under Expenses (b)	<hr/>	
5	Subtotal (Line 3 plus Line 4)	<hr/>	
6	Projected increase/(decrease) to cash under proposed line charge <u>and</u> <u>assessment</u> before cash adjustment (One- Half) of Line 5)		<hr/>
7	Projected Cash Balance at proposed line charge <u>and assessment</u> before cash adjustment (Line 1 plus Line 6)		<hr/>
	(a) Amount of Line 17, Column E, Schedule A-3.		
	(b) Amount from Line 17, Column D, Schedule A-4.		

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 755.EXHIBIT H Call Volumes and Subscriber Lines and Assessments (Schedule A-8)

Line (A)	Month (B)	TRS Call Volume			Subscriber Lines		
		Actual Prior Cal Yr (C)	Proj- Period (D)	Diff- Col D - Col C (E)	Actual Prior Cal Yr (F)	Proj- Period (G)	Diff- Col G - Col F (H)
1	Jan	_____	_____	_____	_____		
2	Feb	_____	_____	_____	_____		
3	Mar	_____	_____	_____	_____		
4	Apr	_____	_____	_____	_____		
5	May	_____	_____	_____	_____		
6	June	_____	_____	_____	_____		
7	July	_____	_____	_____	_____		
8	Aug	_____	_____	_____	_____		
9	Sept	_____	_____	_____	_____		
10	Oct	_____	_____	_____	_____		
11	Nov	_____	_____	_____	_____		
12	Dec	_____	_____	_____	_____	_____	_____
13	Total	_____	_____	_____			

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 755.EXHIBIT L Comparative Actual and Projected Balance Sheets, At Proposed Line Charge and Assessment, As Adjusted (Schedule A-12)

Line (A)	Description (B)	Actual Prior Calendar Year 12/31/ (C)	Projected 12/31/ (D)
1	ASSETS		
2	Current Assets:		
3	Cash, Cash Equivalents and Other Cash Investments	_____	_____
4	Accounts Receivable	_____	_____
5	Interest Receivable	_____	_____
6	Prepaid Distribution Expenses	_____	_____
7	Other	_____	_____
8	Total Current Assets	_____	_____
9	Property and Equipment:		
10	Computer Equipment and Software	_____	_____
11	Furniture and Fixtures	_____	_____
12	Equipment	_____	_____
13	Less: Accumulated Depreciation	_____	_____
14	Property and Equipment, Net	_____	_____
15	Other	_____	_____

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		_____	_____
16	Total Assets	_____	_____
17	LIABILITIES AND FUND BALANCE		
18	Current Liabilities:		
19	Accounts Payable:		
20	TRS	_____	_____
21	Other	_____	_____
22	Total Current Liabilities	_____	_____
23	Fund Balance:		
24	Beginning Balance	_____	_____
25	Revenues Over/(Under) Expenses	_____	_____
26	Ending Balance	_____	_____
27	Total Liabilities and Fund Balance	_____	_____

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Telecommunications Relay Services
- 2) Code Citation: 83 Ill. Adm. Code 756
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
756.10	Amendment
756.225	Amendment
- 4) Statutory Authority: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-703 and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: Section 13-703 of the Public Utilities Act authorizes and requires the Commission to implement programs to provide telecommunications access for persons with disabilities. These programs are funded through line charges assessed by telecommunications carriers on their local exchange service subscribers. PA 96-927 adds to Section 13-703 of the Act a requirement that the fixed or non-nomadic interconnected voice over Internet protocol (VoIP) providers collect and remit assessments, in the same manner as telecommunications carriers providing local exchange service, to the Commission's programs to provide telecommunications access for persons with disabilities. The proposed amendments to Part 756 incorporate the new program funding requirements imposed upon fixed or non-nomadic interconnected VoIP providers by PA 96-927.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.

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NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 11-0627, with:

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

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: Remitting revenues
- C) Types of professional skills necessary for compliance: Managerial skills

- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 756
TELECOMMUNICATIONS RELAY SERVICES

SUBPART A: GENERAL PROVISIONS

Section

- 756.10 Definitions
- 756.15 Dispute Procedures
- 756.20 Notice (Repealed)
- 756.30 Waiver

SUBPART B: TELECOMMUNICATIONS CARRIER OBLIGATIONS

Section

- 756.100 Components of Relay Service
- 756.105 Relay Service Execution and Administration
- 756.110 Publicity Concerning Relay Service
- 756.115 RFP Selection Process
- 756.116 Commission Approval of Proposal
- 756.120 System Provider Interactions
- 756.125 Filing Requirements

SUBPART C: RELAY SERVICE PROGRAM STANDARDS AND SPECIFICATIONS

Section

- 756.200 Relay Service General Quality Standards
- 756.205 Relay Service Operations and Specifications
- 756.210 Communications Assistant Standards
- 756.215 System Provider Reporting Requirements
- 756.220 Relay Service Billing and Collection Procedures
- 756.225 Relay Service Revenues

SUBPART D: OVERSIGHT AND REVIEW

Section

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756.300	Staff Liaison
756.305	Advisory Council Rights
756.310	Biannual Workshop

AUTHORITY: Implementing Section 13-703 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-703 and 10-101].

SOURCE: Adopted at 12 Ill. Reg. 17321, effective October 15, 1988; amended at 15 Ill. Reg. 5618, effective April 15, 1991; emergency amendment at 16 Ill. Reg. 14470, effective September 3, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1848, effective February 1, 1993; amended at 17 Ill. Reg. 12294, effective July 15, 1993; amended at 28 Ill. Reg. 6974, effective May 1, 2004; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 756.10 Definitions

"7-1-1" means the abbreviated dialing code for accessing all types of relay services anywhere in the United States.

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

"Advisory Council" means the advisory council established by 83 Ill. Adm. Code 755.405.

"American Sign Language" or "ASL" means a visual language based on hand shape, position, movement, and orientation of the hands in relation to each other and the body.

"ASCII" is an acronym for the American Standard Code for Information Interexchange ~~that~~^{which} employs an eight bit code and can operate at any standard transmission baud rate including 300, 1200, 2400 and higher.

"Baudot" means a seven bit code, only five of which are information bits. Baudot is used by some text telephones to communicate with each other at a 45.5 baud rate.

"Call release" means a Telecommunications Relay Service (TRS) feature that allows the Communications Assistant (CA) to sign-off or be "released" from the

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telephone line after the CA has set up a telephone call between the originating text telephone (TTY) caller and a called TTY party, such as when a TTY user must go through a TRS facility to contact another TTY user because the called TTY party can only be reached through a voice-only interface, such as a switchboard.

"Communications Assistant" or "CA" means a person who transliterates or interprets conversations between two or more end users of TRS. CA ~~supersedes~~ ~~supersedes~~ the term "TRS operator".

"Commission" means the Illinois Commerce Commission.

"Disability" refers to a condition of being permanently hearing disabled, deaf-blind, speech-disabled, hearing-sight disabled, or speech-sight disabled, as those terms are defined in 83 Ill. Adm. Code 755.10.

"FCC" means Federal Communications Commission.

"Hearing carry over" or "HCO" means a form of TRS where the person with the speech disability is able to listen to the other end user and, in reply, the CA speaks the text as typed by the person with the speech disability. The CA does not type any conversation. Two-line HCO is an HCO service that allows TRS users to use one telephone line for hearing and the other for sending TTY messages. HCO-to-TTY allows a relay conversation to take place between an HCO user and a TTY user. HCO-to-HCO allows a relay conversation to take place between two HCO users.

"Illinois Telecommunications Access Corporation" or "ITAC" means the not-for-profit corporation jointly established by the Illinois telecommunications carriers providing local exchange service in order to administer the programs mandated by Section 13-703 of the Act [220 ILCS 5/13-703] on behalf of the carriers.

"Interconnected Voice over Internet Protocol Provider" or "Interconnected VoIP Provider" has the same meaning as defined in Section 13-235 of the Act. For purposes of this Part, Interconnected VoIP providers are limited to those providers subject to Section 13-401.1 of the Act.

"Interexchange carrier" or "IXC" means a telecommunications carrier providing interexchange service as defined in Section 13-205 of the Act ~~[220 ILCS 13-205]~~.

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"Non-English language relay service" means a telecommunications relay service that allows persons with hearing or speech disabilities who use languages other than English to communicate with voice telephone users in a shared language other than English, through a CA who is fluent in that language.

"Public Safety Answering Point" or "PSAP" means a facility that has been designated to receive 9-1-1 calls and route them to emergency services personnel.

"Qualified ~~interpreter~~Interpreter" means an interpreter who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

"Relay system" means the configuration, provision, and operation of the facilities, equipment and personnel through which the telecommunications carriers shall provide relay service.

"Speech-to-speech relay service" or "STS" means a telecommunications relay service that allows individuals with speech disabilities to communicate with voice telephone users through the use of specially trained CAs who understand the speech patterns of persons with speech disabilities and can repeat the words spoken by that person.

"Speed dialing" means a TRS feature that allows a TRS user to place a call using a stored number maintained by the TRS facility. In the context of TRS, speed dialing allows a TRS user to give the CA a "short-hand" name or number for the user's most frequently called telephone numbers.

"SS7" or "Signaling System 7" means a carrier to carrier out-of-band signaling network used for call routing, billing, and management. SS7 provides for the delivery of Caller ID, ~~improves~~improved access to 9-1-1, and eliminates the need to collect some information currently collected manually through caller profiles.

"Staff Liaison" means the Staff Liaison established by 83 Ill. Adm. Code 755.400.

"System provider" means that corporation, organization, coalition or entity who, under contract to the ITAC, provides the relay system through which the telecommunications ~~carrier~~carriers shall provide relay service.

"Telecommunications carrier" or "carrier" has the same meaning as in Section 13-

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202 of the Act ~~[220 ILCS 5/13-202]~~ that is providing local exchange telecommunications service as defined in Section 13-204 of the Act ~~[220 ILCS 5/13-204]~~. For purposes of this Part, "telecommunications carrier" or "carrier" also includes telecommunications carriers that are mutual concerns as defined in Section 13-202(b) of the Act.

"Telecommunications ~~relay service~~ ~~Relay Service~~" or "TRS" or "~~relay~~Relay service" means telephone transmission services that provide the ability for an individual with a hearing or speech disability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability to communicate using voice communication services by wire or radio. This term includes services that enable two-way communication between an individual who uses a text telephone or other nonvoice terminal device and an individual who does not use such a device, speech-to-speech services, non-English language relay service, and video relay service. TRS supersedes the terms "dual party relay system", "message relay services", and "TDD Relay".

"Text telephone" or "TTY" means a machine that employs graphic communication in the transmission of coded signals through a wire or radio communication system. TTY ~~supersedes~~ ~~supereedes~~ the term "TDD" or "telecommunications device for the deaf" and "TT".

"Three-way calling" means a TRS feature that allows more than two parties to be on the telephone line at the same time with the CA.

"Transliterate" means to verbally express a message received by TTY or to send by TTY a verbal message received.

"Video relay service" or "VRS" means a telecommunications relay service that allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment. The video link allows the CA to view and interpret the party's signed conversation and relay the conversation back and forth with a voice caller.

"Voice carry over" or "VCO" means a form of TRS ~~in which~~ ~~where~~ the person with the hearing disability is able to speak directly to the other end user. The CA types the response back to the person with the hearing disability. The CA does not voice the conversation. Two-line VCO is a VCO service that allows TRS

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users to use one telephone line for voicing and the other for receiving TTY messages. A VCO-to-TTY TRS call allows a relay conversation to take place between a VCO user and a TTY user. VCO-to-VCO allows a relay conversation to take place between two VCO users.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART C: RELAY SERVICE PROGRAM STANDARDS AND SPECIFICATIONS

Section 756.225 Relay Service Revenues

- a) Each telecommunications carrier shall remit to ITAC the revenues collected each month pursuant to Section 13-703(c) of the Act ~~to ITAC~~. Each Interconnected VoIP provider shall remit to ITAC the revenues collected each month pursuant to Section 13-703(f) of the Act.
- b) From those revenues ~~the~~ ITAC, on behalf of the carriers, shall pay the system provider for any fees or charges due under the contract specified in Section 756.120.
- c) The relay system provider shall credit ITAC monthly in an amount equal to the intrastate TRS toll revenues billed by the relay system provider. This credit will not include intrastate toll calls processed through any carrier of choice other than the system provider.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Cost of Service
- 2) Code Citation: 83 Ill. Adm. Code 791
- 3)

<u>Section Numbers</u> :	<u>proposed Action</u> :
791.10	Amendment
791.100	Amendment
791.200	Amendment
- 4) Statutory Authority: Implementing Section 13-507 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-507 and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: PA 96-927 repealed Section 13-505.1 of the Public Utilities Act and eliminated the application of Section 13-507 of the Act to those incumbent local exchange carriers that elect market regulation for their competitive retail telecommunications services. The proposed amendments will update Part 791 to incorporate the repeal of Section 13-505.1 and the elimination of the application of Section 13-507 to Electing Providers.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 11-0628, with:

Elizabeth Rolando

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

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

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations that are not otherwise jurisdictional entities.
 - B) Reporting, bookkeeping or other procedures required for compliance: Reporting
 - C) Types of professional skills necessary for compliance: Managerial
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIESPART 791
COST OF SERVICE

Section

791.10	Carriers Subject to Cost Rules
791.20	Terminology
791.30	Cost Causation Principle
791.40	Methods and Assumptions
791.50	Cost Study Component Presentation
791.60	General Cost Study Components
791.70	Investment-related Cost Study Components
791.80	Annual Cost Study Components
791.90	Subsidy Tests
791.100	Required LRSIC Filings
791.200	Aggregate Revenue Test for Competitive Services

AUTHORITY: Implementing Section 13-507 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-507 and 10-101].

SOURCE: Adopted at 19 Ill. Reg. 11356, effective August 1, 1995; amended at 27 Ill. Reg. 4535, effective April 1, 2003; amended at 35 Ill. Reg. _____, effective _____.

Section 791.10 Carriers Subject to Cost Rules

This Part applies to telecommunications carriers providing both competitive and noncompetitive services, except those carriers that are specifically exempted from the requirements of Section 13-507 of the Public Utilities Act (Act) [220 ILCS 5/13-507] by Sections in Section 13-504(b) and 13-506.2(k) of the Act. See Sections 13-202, 13-209, and 13-210 of the Public Utilities Act ("Act") [220 ILCS 5/13-202, 13-209, and 13-210].

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 791.100 Required LRSIC Filings

An LRSIC study shall be filed with the Commission under the following circumstances:

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- a) For the service when a carrier offering or providing noncompetitive services files a tariff to reclassify a previously noncompetitive service as competitive;
- b) For the service when a carrier offering or providing noncompetitive services files a tariff classifying a new service as competitive;
- ~~e) For the facilities and functionalities that are not specifically tariffed and are utilized in providing a service subject to the requirements of Section 13-505.1 of the Act, when a tariff for a subject service is filed;~~
- ~~c)d) For all noncompetitive services in any proceeding under Section 13-506.1 of the Act to implement an alternative form of regulation; or~~
- ~~d)e) For a service when the Commission requests an LRSIC study in order to establish just and reasonable rates for thatsueh service.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 791.200 Aggregate Revenue Test for Competitive Services

- a) The competitive services of a carrier that provides both competitive and noncompetitive services shall provide revenues which equal or exceed the sum of the following:
 - 1) The sum of the LRSICs~~LRSIC's~~ of all competitive services, less the LRSICs~~LRSIC's~~ of noncompetitive tariffed elements that are imputed into the costs of those services ~~subject to imputation~~;
 - 2) The sum of the imputed costs of the noncompetitive tariffed elements that are inputs to competitive services ~~subject to imputation~~; and
 - 3) The common costs that are to be allocated to competitive services pursuant to the relative LRSIC method. The portion of common costs that shall be recovered by competitive services in the aggregate shall be equal to the ratio of the amount in subsection (a)(3)(A) to the amount in subsection (a)(3)(B):
 - A) The sum of the LRSICs~~LRSIC's~~ of all competitive services, less

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the ~~LRSICs~~LRSIC's of noncompetitive tariffed elements that are imputed into the costs of these services ~~subject to imputation~~; and

- B) The sum of the ~~LRSICs~~LRSIC's of all noncompetitive and competitive services of the carrier.
- b) The aggregate revenue test shall be provided in the following proceedings:
- 1) In any proceeding approving, implementing, or evaluating an alternative form of regulation under Section 13-506.1 of the Act;
 - 2) In a general rate case;
 - 3) In a proceeding involving the introduction of a new competitive telecommunications service;
 - 4) In a proceeding to reclassify a non-competitive telecommunications service to competitive;
 - 5) Notwithstanding the provisions of subsections (b)(1), (2), (3), and (4) of this Section, and upon good cause shown, the aggregate revenue test shall be provided, upon motion of a party and order of the Hearing Examiner, in any other proceeding approving, investigating or establishing rates, charges, classifications or tariffs for telecommunications services offered by a telecommunications service provider that provides both competitive and non-competitive services. Any motion requesting an aggregate revenue test shall be filed within ~~30~~thirty days after the docketing of the underlying proceeding. Responses to such motions shall be filed within ~~14~~fourteen days after the filing of the motion. Failure to file the motion within ~~30~~thirty days after the docketing of the proceeding shall be an independent ground for denying the motion. Failure to file responses within ~~14~~fourteen days after the filing of the motion shall be an independent ground for granting the motion. Factors to be considered in determining the propriety of granting such a motion shall include but not be limited to:
 - A) The length of time elapsed since the LEC last filed an aggregate revenue test;

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- B) The revenues projected to be generated by the service or services under consideration compared with total company service revenues;
- C) The number of competitive and non-competitive services currently being offered by the LEC; and
- D) The cost associated with performing the aggregate revenue test.
- c) The carrier may file a petition pursuant to 83 Ill. Adm. Code 200 for a waiver of the requirement to use the methodology required by subsection (a)(3) to apportion costs common to the provision of both competitive and noncompetitive services. The waiver shall be granted within 90 days after the filing of a petition for waiver if the carrier can demonstrate that using the methodology required by subsection (a)(3) would be cost prohibitive or, in accordance with subsection (b)(3), would prevent a carrier from offering the new competitive service. To comply with Section 13-507 requiring a telecommunications carrier providing both competitive and noncompetitive services to recover the aggregate ~~LRSICs~~LRSIC's of its competitive services plus a proper and reasonable apportionment of common costs, a substitute allocator is required. The burden of proving the reasonableness of a substitute common cost allocation methodology shall be upon its proponent. The Commission reserves the right to authorize the use of superior methodologies apportioning common costs should they arise.
- d) For a carrier seeking approval of an alternative regulatory plan under Section 13-506.1 of the Act, the Commission shall make a finding of, or adopt a methodology for determining, the amount to be allocated for purposes of ~~subsection~~Section 791.200(a)(3) in any order approving an alternative regulatory plan.
- e) For the purposes of complying with subsections (b)(3), (4) and (5), any carrier with more than 25,000 access lines that earns gross annual revenues of less than \$100,000,000 shall have until February 1, 1997 to comply with Sections 791.40, 791.50, 791.60, 791.70 and 791.80. In lieu of preparing ~~an~~a LRSIC study, the carrier may provide alternative cost data. Nothing ~~in this subsection~~herein shall relieve ~~such~~ carriers from the requirements of Section 13-507 of the Act.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Competition Reporting
- 2) Code Citation: 83 Ill. Adm. Code 793
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
793.10	New Section
793.20	New Section
793.30	New Section
793.40	New Section
793.60	New Section
793.70	New Section
793.80	New Section
- 4) Statutory Authority: Implementing Section 13-407 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-407 and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: PA 96-927 alters the Commission's specific responsibilities and authorities concerning its annual report on telecommunications competition for the General Assembly. Proposed Part 793 sets forth the requirements for reporting to implement the amendment to Section 13-407 of the Act. It includes definitions and a provision for reporting electronically.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any State mandate on units of local government, school districts, or community college districts.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 11-0629, with:

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

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These rules will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These rules will not affect any small municipalities or not for profit corporations unless they are otherwise jurisdictional entities.
 - B) Reporting, bookkeeping or other procedures required for compliance: Reporting procedures
 - C) Types of professional skills necessary for compliance: Managerial skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for these rules at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIESPART 793
COMPETITION REPORTING

Section	
793.10	Annual Competition Reports
793.20	Definitions
793.30	Annual Competition Report Forms
793.40	Information to be Reported by Local Exchange Service Providers
793.60	Information to be Reported by Registered Interconnected VoIP Service Providers
793.70	Confidentiality
793.80	Waiver from 83 Ill. Adm. Code 725.400(f)

AUTHORITY: Implementing Section 13-407 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-407 and 10-101].

SOURCE: Adopted at 35 Ill. Reg. _____, effective _____.

Section 793.10 Annual Competition Reports

Pursuant to Section 13-407 of the Public Utilities Act [220 ILCS 5/13-407], all telecommunications carriers, as defined in Section 13-202 of the Act, certified to provide local exchange service by the Illinois Commerce Commission (Commission) under Sections 13-401, 13-404 and/or 13-405 of the Act and all interconnected voice over Internet protocol providers, as defined in Section 13-235 of the Act, registered by the Commission under Section 13-401.1 of the Act shall report telecommunications and interconnected voice over Internet protocol (VoIP) service information to the Commission. The information shall be reported on a calendar year basis, with each calendar year beginning on January 1 and ending on December 31 of that year. Reports shall be submitted for each calendar year by April 1 of the following year.

Section 793.20 Definitions

As used in this Part, the following terms shall have these definitions:

"Access line" means the connecting facility between a customer's premises network interface device and the local exchange carrier's facility that provides

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access to the switching network for local exchange and interexchange telecommunications service. This includes the network interface or equivalent, the outside plant facilities, the office frame and frame wiring and the office line termination.

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

"Business end user" means

an end user engaged primarily or substantially in a paid commercial, professional or institutional activity;

an end user provided telecommunications service or interconnected VoIP service in a commercial, professional or institutional location, or other location serving primarily or substantially as a site of an activity for pay;

an end user whose telecommunications or VoIP service is listed as the principal or only number for a business in any yellow pages directory; or

an end user whose telecommunications or interconnected VoIP service is used to conduct promotions, solicitations or market research for which compensation or reimbursement is paid or provided; however, use of telecommunications service or interconnected VoIP service, without compensation or reimbursement, for a charitable or civic purpose shall not constitute business use of a telecommunications or interconnected VoIP service.

"End user" means any person, corporation, partnership, firm, municipality, cooperative, organization, governmental agency, building owner, or other entity provided with a telecommunications or interconnected VoIP service for its own consumption and not for resale. Notwithstanding the above, end users should include agents of telecommunications or interconnected VoIP providers that provide service under traditional marketing arrangements. For example, include as end users shared tenant service providers.

"Exchange" has the same meaning as exchange as defined in Section 13-206 of the Act.

"Fixed or non-nomadic interconnected VoIP service" means an interconnected

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voice over Internet protocol service intended to be used at a fixed service location via a fixed broadband connection.

"Incumbent local exchange carrier" has the same meaning as incumbent local exchange carrier as defined in Section 13-202.5 of the Act.

"Interconnected voice over Internet protocol service" or "interconnected VoIP service" has the same meaning as Interconnected voice over Internet protocol service as defined in Section 13-234 of the Act.

"Local exchange service" has the same meaning as local exchange telecommunications service as defined in Section 13-204 of the Act.

"Local Access and Transport Area" or "LATA" has the same meaning that term is assigned in Section 13-207 of the Act.

"Residential end user" means an end user other than a business end user.

"Retail telecommunications service" means a telecommunications service sold to an end user. Retail telecommunications service does not include a telecommunications service provided by a telecommunications carrier to a telecommunications carrier, including to itself, as a component of, or for the provision of, telecommunications service. A business retail telecommunications service is a retail telecommunications service provided to a business end user. A residential retail telecommunications service is a retail telecommunications service provided to a residential end user.

"Voice grade equivalent lines" means a count of the maximum number of local exchange calls that the end user may simultaneously have active, under the terms of the service agreements with the end user. Counted as one voice grade equivalent line shall be: traditional analog POTS lines Centrex-CO extensions and Centrex-CU trunks. Lines shall be counted based on how they are charged, rather than how they are physically provisioned. That is, when a customer is charged for channelized service, the number of activated, charged-for channels shall be reported, rather than the theoretical capacity of the line.

EXAMPLES: Count Basic Rate Integrated (BRI) Services Digital Network (ISDN) lines as 2 voice grade equivalent lines. Count fully channelized PRI circuits (including PRIs that are used exclusively to provide local connectivity

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to "dial up" ISPs) as 23 voice grade equivalent lines. Report, for example, 8 voice grade equivalent lines if a customer is charged for 8 trunks that happen to be provisioned over a DS1 circuit. If a customer is charged for a fully-channelized DS1 circuit, however, report 24 voice grade equivalent lines.

"Voice grade equivalent subscriptions" means a count of the maximum number of interconnected VoIP calls that the end user may have active at the same time. If the retail customer purchases services that allow more than one interconnected VoIP call to be made from the customer's physical location at the same time, the maximum number of interconnected VoIP calls that the customer may have active at the same time shall be counted. In the case of a business retail customer that purchases services under a service agreement or agreements, the maximum number of interconnected VoIP calls that the customer may have active at the same time under the terms of the service agreement shall be counted.

Section 793.30 Annual Competition Report Forms

The Commission shall notify entities certified to provide local exchange service by the Commission under Sections 13-401, 13-404, and/or 13-405 of the Act and interconnected VoIP providers registered under Section 13-401.1 of the Act by United States mail in December of each calendar year that the annual report specified in this Part shall be submitted to the Commission along with instructions on how to submit the report. Reports shall be submitted electronically at the Commission website identified in the notice and completed in accordance with the instructions located at the website, unless a provider requests an alternative method of filing and/or completing the submission and is given express written consent from the Director of the Telecommunications Division of the Commission to use an alternative methodology. Reporting entities shall provide separate reports for incumbent local exchange carrier, non-incumbent local exchange carrier, and interconnected VoIP provider operations.

Section 793.40 Information to be Reported by Local Exchange Service Providers

Reports for entities certified to provide local exchange service by the Commission under Sections 13-401, 13-404 and/or 13-405 of the Act shall:

- a) Identify the name, including any assumed name (doing business as or d/b/a), of the reporting entity. The name and d/b/as reported must match the name and d/b/as reflected in the entity's local exchange service certification.

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- b) Include contact information, including telephone numbers, mailing addresses and, when available, e-mail addresses, for persons responsible for ongoing communications regarding the reported information.
- c) Include contact information, including telephone numbers, mailing addresses and, when available, e-mail addresses, for persons responsible for general ongoing communications with Commission Staff.
- d) Identify the type of entity filing, specifying in particular:
 - 1) that the entity filing is certified to provide local exchange service by the Commission under Sections 13-401, 13-404 and/or 13-405 of the Act; and
 - 2) whether the entity filing the report is an incumbent local exchange carrier or a competitive local exchange carrier.
- e) Identify whether the entity filing is affiliated with any other entity or entities required to file information pursuant to this Part and include the name of each entity as reflected in the affiliated entity's local exchange service certification and/or interconnected VoIP service provider registration.
- f) Identify the website address at which its tariffs are, pursuant to Section 13-503 of the Act, electronically available to the public.
- g) Identify every exchange within Illinois where the reporting entity offered retail local exchange service to residential end users on December 31 of the reporting period.
- h) Identify every exchange within Illinois where the reporting entity offered retail local exchange service to business end users on December 31 of the reporting period.
- i) Identify the number of retail, residential, local exchange service, and voice grade equivalent lines provided to end users using access lines owned by the providing entity as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered retail local exchange service to residential end users on December 31 of the reporting period. Non-incumbent local exchange carriers with affiliates that are incumbent local exchange carriers shall report the number of such lines within the incumbent local exchange carrier's incumbent

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service area and the number of such lines outside the incumbent local exchange carrier's incumbent service area separately.

- j) Identify the number of retail, residential, local exchange service and voice grade equivalent lines provided to end users by the providing entity using access lines leased from an incumbent local exchange carrier as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered retail local exchange service to residential end users on December 31 of the reporting period. Non-incumbent local exchange carriers with affiliates that are incumbent local exchange carriers shall report the number of lines within the incumbent local exchange carrier's incumbent service area and the number of lines outside the incumbent local exchange carrier's incumbent service area separately.
- k) Identify the number of retail, residential, local exchange service and voice grade equivalent lines provided to end users by the providing entity using access lines obtained as part of a service resale agreement with an incumbent local exchange carrier as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered retail local exchange service to residential end users on December 31 of the reporting period. Non-incumbent local exchange carriers with affiliates that are incumbent local exchange carriers shall report the number of lines within the incumbent local exchange carrier's incumbent service area and the number of lines outside the incumbent local exchange carrier's incumbent service area separately.
- l) Identify the number of retail, residential, local exchange service and voice grade equivalent lines provided to end users by the providing entity using access lines obtained from a non-incumbent local exchange carrier through any means (e.g., lease, resale) as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered retail local exchange service to residential end users on December 31 of the reporting period. Non-incumbent local exchange carriers with affiliates that are incumbent local exchange carriers shall report the number of lines within the incumbent local exchange carrier's incumbent service area and the number of lines outside the incumbent local exchange carrier's incumbent service area separately.
- m) Identify the number of retail, business, local exchange service voice grade equivalent lines provided to end users using access lines owned by the providing entity as of December 31 of the reporting period for every LATA within Illinois

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where the reporting entity offered retail local exchange service to business end users on December 31 of the reporting period. Non-incumbent local exchange carriers with affiliates that are incumbent local exchange carriers shall report the number of lines within the incumbent local exchange carrier's incumbent service area and the number of lines outside the incumbent local exchange carrier's incumbent service area separately.

- n) Identify the number of retail, business, local exchange service and voice grade equivalent lines provided to end users by the providing entity using access lines leased from an incumbent local exchange carrier as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered retail local exchange service to business end users on December 31 of the reporting period. Non-incumbent local exchange carriers with affiliates that are incumbent local exchange carriers shall report the number of lines within the incumbent local exchange carrier's incumbent service area and the number of lines outside the incumbent local exchange carrier's incumbent service area separately.
- o) Identify the number of retail, business, local exchange service and voice grade equivalent lines provided to end users by the providing entity using access lines obtained as part of a service resale agreement from an incumbent local exchange carrier as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered retail local exchange service to business end users on December 31 of the reporting period. Non-incumbent local exchange carriers with affiliates that are incumbent local exchange carriers shall report the number of lines within the incumbent local exchange carrier's incumbent service area and the number of lines outside the incumbent local exchange carrier's incumbent service area separately.
- p) Identify the number of retail, business, local exchange service and voice grade equivalent lines provided to end users by the providing entity using access lines obtained from a non-incumbent local exchange carrier through any means (e.g., lease, resale) as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered retail local exchange service to business end users on December 31 of the reporting period. Non-incumbent local exchange carriers with affiliates that are incumbent local exchange carriers shall report the number of lines within the incumbent local exchange carrier's incumbent service area and the number of lines outside the incumbent local exchange carrier's incumbent service area separately.

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- q) For providers of 9-1-1 database systems include the number of residential 9-1-1 listings in Illinois, excluding mobile wireless 9-1-1 listings, by NPA-NXX and by telecommunications provider, for all NPA-NXXs and telecommunications providers contained in the database on December 31 of the reporting period.

Section 793.60 Information to be Reported by Registered Interconnected VoIP Service Providers

Reports for fixed or non-nomadic interconnected VoIP providers registered under Section 13-401.1 of the Act shall:

- a) Identify the name, including any assumed name (doing business as or d/b/a), of the reporting entity. The name and d/b/as reported must match the name and d/b/as reflected in the entity's interconnected VoIP service provider registration.
- b) Include contact information, including telephone numbers, mailing addresses and, when available, e-mail addresses, for persons responsible for ongoing communications regarding the reported information.
- c) Include contact information, including telephone numbers, mailing addresses and, when available, e-mail addresses, for persons responsible for general ongoing communications with Commission Staff.
- d) Identify the type of entity filing, specifying in particular that the entity filing is an interconnected VoIP provider registered under Section 13-401.1 of the Act [220 ILCS 5/13-401.1].
- e) Identify whether the entity filing is affiliated with any other entity or entities required to file information pursuant to this Part and include the name of each entity as reflected in the affiliated entity's local exchange service certification and/or interconnected VoIP service provider registration.
- f) Identify every exchange within Illinois where the reporting entity offered fixed or non-nomadic interconnected VoIP service to residential end users. If the entity does not maintain this information by exchange, the entity may, after providing advance notice to the Director of the Telecommunications Division of the Commission, provide the information by wire center or zip code.

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- g) Identify every exchange within Illinois where the reporting entity offered fixed or non-nomadic interconnected VoIP service to business end users. If the entity does not maintain this information by exchange, the entity may, after providing advance notice to the Director of the Telecommunications Division of the Commission, provide the information by wire center or zip code.
- h) Identify the number of residential, fixed or non-nomadic interconnected VoIP service voice grade equivalent subscriptions as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered interconnected voice VoIP service on December 31 of the reporting period. If the entity does not maintain such information by LATA, the entity may, after providing notice to the Director of the Telecommunications Division of the Commission, provide the information by exchange, wire center or zip code. Interconnected voice VoIP providers with affiliates that are incumbent local exchange carriers shall report the number of subscriptions within the incumbent local exchange carrier's incumbent service area and the number of subscriptions outside the incumbent local exchange carrier's incumbent service area separately.
- i) Identify the number of voice grade equivalent, business, fixed or non-nomadic interconnected VoIP service voice grade equivalent subscriptions as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered interconnected VoIP service on December 31 of the reporting period. If the entity does not maintain this information by LATA, the entity may, after providing notice to the Director of the Telecommunications Division of the Commission, provide the information by exchange, wire center or zip code. Interconnected VoIP providers with affiliates that are incumbent local exchange carriers shall report the number of subscriptions within the incumbent local exchange carrier's incumbent service area and the number of subscriptions outside the incumbent local exchange carrier's incumbent service area separately.

Section 793.70 Confidentiality

- a) A reporting entity may designate information submitted pursuant to this Part as confidential or proprietary provided that the entity clearly identifies the information for which confidential or proprietary designation is sought and provides the reasons that designation is necessary. The Commission shall provide adequate protection to this information pursuant to Section 4-404 of the Act. If the Commission or other party seeks public disclosure of information designated as confidential or proprietary, the Commission shall consider this designation in a

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docketed proceeding under the Commission's Rules of Practice (83 Ill. Adm. Code 200), and the burden of proof to demonstrate that the designated information is confidential shall be upon the provider. Designated information shall remain confidential pending the Commission's determination of whether the information is entitled to confidential treatment. Information designated as confidential shall be provided to the Attorney General pursuant to Section 6.5 of the Attorney General Act [15 ILCS 205/6.5]. Information designated as confidential under this Section or determined to be confidential upon Commission review shall only be disclosed pursuant to a valid and enforceable subpoena or court order or as required by the Freedom of Information Act [5 ILCS 140].

- b) Subscribership and 9-1-1 listing information at the reporting entity level, reported pursuant to Section 793.50(i) through (q) and Section 793.60(h) and (i) shall be considered confidential and shall only be disclosed pursuant to a valid and enforceable subpoena or court order or as required by the Freedom of Information Act. Subscribership information reported pursuant to this Part may, however, be aggregated (e.g., according to carrier class and/or technology) and reported publicly, provided that subscribership information specific to each reporting entity is not disclosed or discernable from the information reported to the public.

Section 793.80 Waiver from 83 Ill. Adm. Code 725.400(f)

For providers of 9-1-1 database services that are required to provide information from 9-1-1 databases pursuant to this Part, the Commission waives compliance with 83 Ill. Adm. Code 725.400(f) for the limited purpose of allowing providers of 9-1-1 database services to comply with the reporting requirements of this Part.

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- 1) Heading of the Part: Illinois Elevator Safety Rules
- 2) Code Citation: 41 Ill. Adm. Code 1000
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1000.20	Amendment
1000.30	Amendment
1000.40	Amendment
1000.50	Amendment
1000.60	Amendment
1000.70	Amendment
1000.75	New
1000.80	Amendment
1000.90	Amendment
1000.100	Amendment
1000.110	Amendment
1000.120	Amendment
1000.130	Amendment
1000.140	Amendment
1000.145	New
1000.150	Amendment
1000.170	Amendment
1000.180	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 35 of the Elevator Safety and Regulation Act [225 ILCS 312/35]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking amends the rules to adopt the current national standards and reflects the statutory amendments to the Elevator Safety and Regulation Act in Public Act 96-54.
- 6) Published Studies or Reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes

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- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

Bob Capuani
Elevator Safety Division
Office of the State Fire Marshal
100 W. Randolph St., Suite 4-600
Chicago, IL 60601

Facsimile: 312/814-3459

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business that installs, repairs or maintains a regulated conveyance; municipalities that inspect regulated conveyances; not for profit corporations will be affected only to the extent that they have buildings with regulated conveyances that are installed, repaired or inspected.
- B) Reporting, bookkeeping or other procedures required for compliance: Individuals and companies that install, inspect, repair or maintain regulated conveyances are required to maintain records on license, applications and individual regulated conveyance inspection, repair or maintenance; and units of local government that permit and/or inspect regulated conveyances are required to maintain records on such activity.
- C) Types of professional skills necessary for compliance: Individuals prove competence to inspect, install, repair and maintain regulated conveyances by either experience, education or testing which demonstrated conformance to national standards published for the particular type of conveyance the individual seeks to be licensed to perform inspections, repairs, maintenance or installation.

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- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because the Board did not anticipate the need for this rulemaking at the time the agendas were filed.

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

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TITLE 41: FIRE PROTECTION
CHAPTER II: ELEVATOR SAFETY REVIEW BOARDPART 1000
ILLINOIS ELEVATOR SAFETY RULES

Section

1000.10	Purpose of this Part
1000.20	Applicability
1000.30	Definitions
1000.40	Local Regulation
1000.50	Elevator Safety Review Board
1000.60	Adoption of Nationally Recognized Safety Codes; List of Non-Mandatory Guidelines
1000.70	Variance and Appeal/Reconsideration
1000.75	New Technology
1000.80	Licensure and Registration Requirements
1000.90	Application for License or Registration
1000.100	License and Registration Fees
1000.110	Renewal of License
1000.120	Registration of Conveyances
1000.130	Permits
1000.140	Conveyance Inspection
1000.145	Request for Investigation
1000.150	Certificate of Operation
1000.160	Administrative Hearing
1000.170	Administrative Procedures
1000.180	Service or Inspection of Non-Compliant Conveyances Implementation Schedule

AUTHORITY: Implementing and authorized by Section 35 of the Elevator Safety and Regulation Act [225 ILCS 312/35].

SOURCE: Adopted by emergency rule at 30 Ill. Reg. 13186, effective July 21, 2006, for a maximum of 150 days; emergency expired December 17, 2006; adopted at 31 Ill. Reg. 7043, effective April 24, 2007; amended at 32 Ill. Reg. 8377, effective May 27, 2008; amended at 33 Ill. Reg. 5750, effective April 2, 2009; amended at 35 Ill. Reg. _____, effective _____.

Section 1000.20 Applicability

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- a) *This Part applies to the construction, operation, inspection, testing, maintenance, alteration and repair of the following equipment, its associated parts, and its hoistways (except as exempted in subsection (c) of this Section):*
- 1) *Hoisting and lowering mechanisms equipped with a car or platform; ~~that~~~~which~~ move between 2 or more landings, ~~including and include~~, but is not limited to, elevators, platform lifts and stairway chairlifts;*
 - 2) *Power driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, escalators and moving walkways;*
 - 3) *Hoisting and lowering mechanisms equipped with a car; ~~that~~~~which~~ serve 2 or more landings and ~~that~~ are restricted to the carrying of material by their limited size or limited access to the car, ~~including and include~~, but ~~are~~ not limited to, dumbwaiters, ~~or~~ material lifts and dumbwaiters with automatic transfer devices;*
 - 4) *Automatic guided transit vehicles on guide ways with an exclusive right-of-way. This equipment includes, but is not limited to, automated people movers. [225 ILCS 312/10(a) and (b)]*
- b) *This Part does not apply to a municipality with a population over 500,000 [225 ILCS 312/10(d)].*
- c) *This Part does not apply to the following equipment: personnel hoists and employee elevators within the scope of ANSI A10.4; material hoists within the scope of ANSI 10.5; manlifts within the scope of ASME A90.1; mobile scaffolds, towers, and platforms within the scope of ANSI A92; powered platforms and equipment for exterior and interior maintenance within the scope of ANSI 120.1; conveyors and related equipment within the scope of ASME B20.1; cranes, derricks, hoists, hooks, jacks, and slings within the scope of ASME B30; industrial trucks within the scope of ASME B56; portable equipment, except for portable escalators that are covered by ANSI 17.1; tiering or piling machines used to move materials to and from storage located and operating entirely within one story; equipment for feeding or positioning materials at machine tools, printing presses, etc.; skip or furnace hoists; wharf ramps; railroad car lifts or dumpers; line jacks, false cars, shafters, moving platforms, and similar equipment used for installing*

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an elevator by a contractor licensed in this State; conveyances located in a private residence not accessible to the public. [225 ILCS 312/10(c)]

- d) Further, this Act does not apply to special purpose personnel elevators within the scope of ASME A17.1 and used only by authorized personnel [225 ILCS 312/10(c)].

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1000.30 Definitions

For the purposes of this Part, the definitions of terms in Section 15 of the Act and in this Section shall apply.

"Acceptance Inspection" means an inspection performed at the completion of the initial installation or alteration of equipment in accordance with applicable standards.

"Act" means the Elevator Safety and Regulation Act [225 ILCS 312].

"Alteration" means any change to equipment, including its parts, components or subsystems, other than maintenance, repair or replacement of the equipment or its parts, components or subsystems. [225 ILCS 312/15] For the purpose of this Part and the Act, this definition will take precedence over similar definitions used in safety codes incorporated by reference in Section 1000.60.

"Authority Having Jurisdiction", as used in ASME A17.1-2007/CSA B44-07, as amended by ASME A17.1a-2008/CSA B44a-08 and ASME 17.1b-2009/CSA B44b-09, and Performance-Based Safety Code for Elevators and Escalators (ASME A17.7-2007/CSA B44.7-07), means the Board.

"Board" means the Elevator Safety Review Board created by Section 25 of the Act [225 ILCS 312/15].

"Certificate of Conformance" means a certificate issued by a nationally accredited independent conveyance certification organization designated by ANSI, ASME or SCC to operate a certification program that conforms to the Performance-Based Safety Code for Elevators and Escalators (ASME A17.7/CSA B44.7) and that evaluates new technology applicable to a conveyance for conformance with

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ASME A17.7/CSA B44.7. The Certificate of Conformance provides proof that the conveyance complies with ASME A17.7/CSA B44.7 and any other applicable codes required under the Act. The Certificate shall be part of the basis for approval by the Board.

"Certificate of Operation" means a certificate issued by the OSFM that indicates that the conveyance has passed the required safety inspection and tests and fees have been paid. [225 ILCS 312/15]

"Code" or "State Code" means the standards and recommendations incorporated by reference in Section 1000.60.

"Contractor License Designee" means an individual designated by a licensed elevator contractor or licensed limited elevator contractor who holds a current Illinois mechanic's license or limited mechanic's license is the holder of the elevator contractor license or limited elevator contractor license and has the responsibility to ensure that work performed by the contractor is done so in conformance with the Act. Such person shall have ownership interest, corporate officer status or managerial control over the licensed workforce of the contractor.

"Elevator Contractor" means any person, firm, or corporation who possesses an elevator contractor license in accordance with the provisions of Sections 40 and 55 of the Act and who is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining and is entitled to perform electrical work on elevators or related conveyances covered by the Act within any building or structure, except exempt private residences. [225 ILCS 312/15]

"Elevator Helper" means an individual registered with OSFM who works under the general direction of a licensed elevator mechanic or licensed limited elevator mechanic. Licensure is not required for an elevator helper. [225 ILCS 312/15]

"Elevator Industry Apprentice" means an individual who is enrolled in an apprenticeship program approved by the Bureau of Apprenticeship and Training of the U.S. Department of Labor and who is registered by OSFM and works under the general direction of a licensed elevator mechanic or licensed limited elevator mechanic. Licensure is not required for an elevator industry apprentice. [225 ILCS 312/15]

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"Elevator Inspector" means any inspector, as that term is defined in ASME QEI, who possesses an elevator inspector license in accordance with the provisions of the Act. [225 ILCS 312/15]

"Elevator Mechanic" means any person who possesses an elevator mechanic license in accordance with the provisions of Section 45 of the Act and who is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyances covered by the Act. [225 ILCS 312/15]

"Emergency Elevator Mechanic License" means a license issued by OSFM, under Section 45(d) of the Act and Section 1000.80(d) of this Part and based upon the certification of a licensed elevator contractor or licensed limited elevator contractor, whenever **OSFM determines that** an emergency exists in the State due to disaster or work stoppage and the number of persons in the State holding mechanic licenses is insufficient to cope with the emergency. [225 ILCS 312/45(d)]

"Hearing Officer" means the presiding officer or officers at the initial hearing before the Board and each continuation of that hearing. A hearing officer must be an attorney-at-law licensed to practice in Illinois.

"Inspection Company License" means ~~qualified as~~ a license issued by the Elevator Safety Review Board to any company that is qualified as an ASME QEI inspection company that has proven the company's qualifications and ability and **that** has been authorized by the Elevator Safety Review Board to possess this type of license under the provisions of Section 1000.80(h).

"Limited Elevator Contractor License" means a license issued by OSFM, under Section 1000.80(g), that limits the licensee's business to **a specific type of conveyance platform lifts and stairway chairlifts. (See definition of Elevator Contractor's License at 225 ILCS 312/15.)**

"Limited Elevator Mechanic License" means a license issued by OSFM, under Section 1000.80(a), that *authorizes the licensee to carry on a business of erecting, constructing, installing, altering, servicing, repairing or maintaining* **a specific type of conveyance platform lifts and stairway chairlifts** within any building or structure. [225 ILCS 312/15]

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"Local Administrator" means the municipality or county that entered into a local elevator agreement with OSFM to operate its own elevator safety program in accordance with the Act and this Part.

"New Technology" means an elevator system, component or subsystem that has not been addressed in the Safety Code for Elevators and Escalators (ASME A17.1-2007/CSA B44-07, as amended by ASME A17.1a-2008/CSA B44a-08 and ASME 17.1b-2009/CSA B44b-09), but meets the requirements of a certificate of conformance under the Performance-Based Safety Code for Elevators and Escalators (ASME A17.7-2007/CSA B44.7-07).

~~"Material Alteration" means any change to equipment, including its parts, components, and/or subsystems, other than maintenance, repair, or replacement. For the purpose of this Part and the Act, this definition will take precedence over similar definitions used in safety codes incorporated by reference in Section 1000.60.~~

"OSFM" means the Office of the State Fire Marshal, which is designated by the Act to be the administrator of the Illinois Elevator Safety and Regulation Program.

~~"Owner" means the owner of the conveyance, which could be an individual, a group of individuals or an association, trust, partnership, corporation or person doing business under an assumed name. The owner may delegate his, her or its authority to manage the day-to-day operations of the conveyance to another party, but may not delegate his, her or its responsibilities and duties under the Act and this Part. [225 ILCS 312/15]any person or authorized agent of that person who owns a device or equipment subject to regulation under the Act, or, in the event the device or equipment is leased, the lessee.~~

~~"Private Residence" means a separate dwelling or a separate apartment or condominium unit in a multiple-family dwelling that is occupied by members of a single-family unit. [225 ILCS 312/15] and Private residence excludes a unit used on a time-share basis by more than one family over a period of time. [225 ILCS 312/15]~~

"Repair" means reconditioning or renewal of parts, components, and/or subsystems necessary to keep equipment in compliance with applicable code requirements. Repair includes only such work as is necessary to maintain present

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equipment in a safe and serviceable condition and to adjust or replace defective, broken, or worn parts with parts made of equivalent material, strength, and design, and where the replacing part performs the same function as the replaced part. Section 15 of the Act exempts repairs from the Act's permit requirements. For the purpose of this Part and the Act, this definition will take precedence over similar definitions used in safety codes incorporated by reference in Section 1000.60.

"Temporary Certificate of Operation" means a certificate issued by ~~the OSFM or the Local Administrator~~ that permits the temporary use of a non-compliant conveyance by the general public for a limited time of 30 days while minor repairs are being completed, or for construction or demolition to provide transportation for construction personnel, tools, and materials only. [225 ILCS 312/15]

"Temporary Elevator Mechanic License" means a license issued by OSFM, under Section 45(e) of the Act and Section 1000.80(c) of this Part, when OSFM determines that there are no licensed personnel available to perform elevator work, and upon the request and certification of a licensed elevator contractor or licensed limited elevator contractor, ~~when there are no licensed personnel available to perform elevator work~~ [225 ILCS 312/45(e)].

"Temporary Limited Authority" means an authorization to perform work on a specific type of conveyance issued, for a period not to exceed one year, by OSFM to an individual that OSFM deems qualified to perform the work. [225 ILCS 312/15]

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1000.40 Local Regulation

- a) Authorization of Local Programs
Provided that the local program safety standards, codes and regulations are at least as stringent as those adopted in this Part, a municipality or county may ~~issue permits and may~~ enter into an agreement ~~contract~~ with ~~the~~ OSFM under which the municipality or county will operate a local program, ~~provided that the local program safety standards, codes and regulations are at least as stringent as those adopted in this Part, to:~~

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- 1) Under the local program, the municipality or county shall:
 - ~~A1)~~ *Issue construction and alteration permits and certificates of operation;*
 - ~~B2)~~ *Provide for inspection of elevators, including temporary operation inspections; ~~and~~*
 - ~~C)~~ *Grant exceptions and variances from the literal requirements of applicable State codes, standards and regulations in cases in which such variances would not jeopardize the public safety and welfare;*
 - ~~D3)~~ *Enforce the applicable provisions of the Act, and levy fines in accordance with the Municipal Code [65 ILCS 5] or Counties Code [55 ILCS 5]. [225 ILCS 312/140(a)]*
 - 2) The Local Administrator may assess a reasonable fee for permits, exceptions, variances, certificates of operation or inspections performed by its inspectors.
 - 3) Each agreement shall include a provision that the Local Administrator will maintain for inspection by OSFM copies of all applications for permits issued, grants and denials of exceptions or variances, copies of each inspection report issued, and proper records showing the number of certificates of operation issued.
 - 4) Each agreement shall also include a provision that each required inspection will be conducted by a licensed elevator inspector and any other provisions deemed necessary by OSFM.
 - 5) OSFM shall be notified immediately by mail of any exception or variance granted. OSFM may object to the exception or variance within 7 business days after receipt of the notice. Should OSFM and the Local Administrator not reach agreement on the exception or variance, the matter shall be directed to the Board to hear and decide. [225 ILCS 312/140(d)]
- b) Approval of the Local Program ~~by the Board~~

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- 1) **Application**
Any municipality or county that chooses to inspect, ~~license~~ or otherwise regulate conveyances must apply to ~~OSFM~~~~the Board~~ for approval of the local program. The application shall include the name of the local program administrator, the standards and regulations adopted, the number and types of conveyances covered by the program, the name and license number of inspectors, and other reasonable information ~~OSFM~~~~the Board~~ may request. The form shall be provided by ~~the~~ OSFM.
 - 2) **Approval and Program Agreement**
If ~~the~~ OSFM determines that the local program will be at least as stringent as the requirements of the Act and this Part, ~~the~~ OSFM will so notify the local program. Each municipality or county approved by ~~OSFM~~~~the Board~~ to implement a local program shall enter into a written agreement with OSFM under which the local program will apply within the described territory.
 - 3) **Existing Local Programs**
~~No municipality or county may operate a local program unless it has entered into an agreement with OSFM. Initial applications for approval of local programs existing when this Part is adopted must be submitted to the Board. Municipalities or counties having conveyance safety inspection programs existing on the effective date of this Part that are in substantial conformance with this Part may continue to operate those programs pending approval by the Board. The OSFM shall be responsible for oversight and concurrent enforcement during the period between application and approval of local programs.~~
 - 4) **Annual Review by OSFM**
~~OSFM may review and audit the program of any Local Administrator and inspect the permits issued, grants and denials of exceptions or variances, inspection reports, and records related to the conveyances under the local program. OSFM will provide the Local Administrator reasonable advance notice of the review, audit and/or inspection. Board approval of local programs is renewable annually.~~
- e) ~~Local Ordinances, Resolutions and Regulations~~

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~~The municipality or county must enact enabling ordinances or resolutions creating the local program and adopt standards and regulations at least as stringent as those provided in this Part. Variances to standards and regulations adopted by a local program shall not become final until ratified by the Board.~~

~~c)~~d)

Local Enforcement

Within the jurisdiction of an approved local program, except as otherwise provided in this subsection (~~c~~d), the procedural requirements of the local program shall be followed, rather than the procedural requirements of this Part, including the specified fees. However, all conveyances located within the jurisdiction of a local program shall be registered with ~~the~~ OSFM in accordance with Section 80 of the Act and Section 1000.120 of this Part.

~~d)~~e)

Reporting and Recordkeeping

~~1)~~

~~Annual Report~~

~~The municipality or county shall submit an annual report to the OSFM documenting the standards and regulations enforced by the municipality or county and the number of inspections performed and permits issued.~~

~~12)~~

~~Other Reporting~~

~~The OSFM may request certain~~require additional reports and information to be provided on a periodic basis to assure that local programs are operating in conformance with the Act.

~~23)~~

Recordkeeping

A municipality or county that operates a local program shall maintain for inspection by ~~the~~ OSFM copies of all inspection reports, permit applications and permits issued, and shall maintain a record of the number of certificates of operation issued by that jurisdiction. These records must be maintained for at least one year. ~~A copy of permits issued shall also be forwarded to the OSFM.~~

~~e)~~f)

Discontinuance of a Local Program

1)

Discontinuance by the Local Jurisdiction

Should a local program determine to discontinue inspecting, ~~licensing~~, or otherwise regulating conveyances, the local program administrator shall notify ~~the~~ OSFM 90 days prior to termination of the program. The

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municipality or county shall make available to ~~the~~ OSFM program records and documents necessary for ~~the~~ OSFM to maintain regulatory continuity.

- 2) Discontinuance by ~~OSFM~~the Board
~~The OSFM shall monitor the local programs and, if and report to the Board whenever~~ a program is found to not meet the requirements of the Act and this Part. ~~The Board shall review the report and~~ notify the Local Administrator municipality or county of corrective actions needed to be taken to bring its program into compliance. ~~OSFM~~The Board may, after allowing time for corrective action and after a hearing under 41 Ill. Adm. Code 210 and Section 1000.160 of this Part, withdraw approval of a non-compliant local program.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1000.50 Elevator Safety Review Board

- a) Appointment
The Elevator Safety Review Board consists of ~~17~~4 members, ~~14~~1 of whom are appointed by the Governor and 3 of whom are appointed by the State Fire Marshal under Section 25 of the Act. See Section 25 of the Act for specific representation and terms of office.
- b) Quorum
Nine Board members shall constitute a quorum. A quorum is required for all Board decisions.~~A quorum shall be determined as a majority of the Board members actually appointed by the Governor or the OSFM. Unfilled positions shall not be counted when determining a quorum.~~
- c) Powers and Duties of the Board
Section 35 of the Act authorizes the Board to adopt rules for administration and enforcement of the Act. The rules shall establish standards and criteria consistent with the Act for licensing of elevator mechanics, limited elevator mechanics, inspectors and contractors. The Board may grant variances from the applicable standards (see Section 1000.70), establish fees and recommend changes to the Act.

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- 1) The Board shall adopt, or amend and adopt, the latest editions of the standards referenced in Section 35 of the Act within 12 months after the effective date of the standards.
- 2) The Board shall make determinations authorized by the Act regarding implementation and regulation of new technology. Board determinations shall have a binding precedential effect throughout the State regarding equipment, structure or the enforcement of codes unless limited by the Board to the fact-specific issues.
- 3) The Board shall have the authority to hear appeals of any denial by the Local Administrator or of any denial or objection by OSFM.
- 4) The Board shall hold hearings and decide appeals within 30 days from the date of the hearing.
- 5) The Board shall establish fee schedules for licenses and registrations issued by OSFM. The Board shall also establish fee schedules for permits and certificates for conveyances not under a Local Administrator. The fees shall be set at an amount necessary to cover the actual costs and expenses to operate the Board and to conduct its duties as described in the Act. (Section 35 of the Act)

- d) Contact
 The Board's office is located at the Office of the Illinois State Fire Marshal, Elevator Safety Division, James R. Thompson Center, 100 West Randolph Street, Suite 4-600, Chicago, Illinois 60601. 1035 Stevenson Drive, Springfield, Illinois 62703-4259.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1000.60 Adoption of Nationally Recognized Safety Codes; List of Non-Mandatory Guidelines

- a) All conveyances shall be designed, constructed, installed, operated, inspected, tested, maintained, altered, and repaired in accordance with the following standards and safety codesrecommended practices:
 - 1) American Society of Mechanical Engineers (ASME)

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Three Park Avenue
New York NY 10016-5990

A) Safety Code for Elevators and Escalators (ASME A17.1-~~2010~~~~2007~~/CSA B44 ~~10-07~~) and Performance-Based Safety Code for Elevators and Escalators (ASME A~~17.7~~~~17.1~~-2007/CSA B44.7-07);

~~B) Guide for Inspection of Elevators, Escalators, and Moving Walks (ASME A17.2-2004);~~

~~BE) Safety Code for Existing Elevators and Escalators (ASME A17.3-2005), but only as required under Section 35(h) and (i) of the Act and Section 1000.60(d) of this Part (upgrades required by application of the Safety Code for Existing Elevators and Escalators must be completed no later than January 1, 2013);~~

~~CD) Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1-~~2008~~2005);~~

~~DE) Standard for the Qualification of Elevator Inspectors (ASME QEI-1-~~2010~~2004).~~

~~2) American National Standards Institute (ANSI)
25 West 43rd Street, 4th Floor
New York NY 10036~~

~~Safety Requirements for Personnel Hoists and Employee Elevators (ANSI A10.4-2004).~~

~~23) American Society of Civil Engineers (ASCE)
1801 Alexander Bell Drive
Reston VA 20191-4400~~

~~Automated People Mover Standards (ASCE 21, Part 1-2005/2006, ASCE 21, Parts 2 through 4-2008~~2000~~).~~

- b) All the materials incorporated by reference in this Section are incorporated as of the date specified and include no later editions or amendments.

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- c) *The Board shall adopt, or amend and adopt, the latest editions of the standards referenced in this subsection within 126 months after the effective date of the standards. [225 ILCS 312/35(a)]*
- d) Upgrade Requirements for Existing Conveyances
- 1) Notwithstanding anything else in this Part, the following upgrade requirements of the 2007 edition of the Safety Code for Elevators and Escalators (ASME A17.1) and the 2005 edition of the Safety Code for Existing Elevators (ASME A17.3) must be completed by January 15, 2015, but OSFM or the Local Administrator may not require their completion prior to January 1, 2013:
- A) Restricted opening of hoistway doors or car doors on passenger elevators in accordance with ASME A17.3-2005;
- B) Car illumination in accordance with ASME A17.3-2005;
- C) Emergency operation and signaling devices in accordance with ASME A17.3-2005;
- D) Phase reversal and failure protection in accordance with ASME A17.3-2005;
- E) Reopening device for power operated doors or gates in accordance with ASME A17.3-2005;
- F) Stop switch pits in accordance with ASME A17.3-2005; and
- G) Pit ladder installation in accordance with Section 2.2.4.2 of ASME A17.1-2007.
- 2) In the event that a conveyance regulated by this Part is altered, the alteration shall comply with ASME A17.1. Notwithstanding anything else in this Section, the firefighter's emergency operation and the hydraulic elevator cylinder, including the associated safety devices outlined in Section 4.3.3(b) of ASME A17.3-2005, are not required to be upgraded unless:

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- A) *There is an alteration;*
- B) *The equipment fails; or*
- C) *Failing to replace the equipment jeopardizes the public safety and welfare as determined by the Local Administrator or the Board.*
[225 ILCS 312/35(h) and (i)]
- e) *Recommended Practices. It is recommended that all conveyances be inspected and tested in accordance with the following recommended practices. The following list should not be interpreted as excluding other practices recommended by equipment manufacturers.*

American Society of Mechanical Engineers (ASME)
Three Park Avenue
New York NY 10016-5990

Guide for Inspection of Elevators, Escalators, and Moving Walks (ASME A17.2-2010)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1000.70 Variance and Appeal/Reconsideration

- a) *OSFM~~The~~ or the Local Administrator shall have the authority to ~~Board may~~ grant exceptions and variances from the literal requirements of ~~the~~ applicable State codes, standards and regulations in cases in which variances would not jeopardize the public safety and welfare. ~~or this Part that are consistent with the intent of the Act.~~ OSFM has the right to review and object to any exceptions or variances granted by the Local Administrator. The Board has the authority to hear appeals of any denial by the Local Administrator or of any denial or objection by OSFM. The Board will hold hearings and will decide the appeal within 30 days after the hearing.* [225 ILCS 312/35(b)]
- b) In order for a variance request to be reviewed, the request shall be submitted in writing by the owner or his/her designated representative and shall include:

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- 1) Evidence that the proposed or existing conveyance is not in compliance with the code or regulation.
- 2) Evidence that strict compliance with the code or regulation would entail practical difficulty or unnecessary hardship or is otherwise ~~found~~ unwarranted.
- 3) Evidence that any requested variance ~~would~~~~does~~ not jeopardize the safety and health of those who would use the conveyance or work on the conveyance and that the methods, means, or practices proposed provide equal protection of the public's safety and health.
- 4) A processing fee of ~~\$300 is to be submitted to OSFM with the variance/exception request~~~~200~~.
- 5) All variances shall indicate the specific code standard from which relief is granted.
- c) The ~~Board's~~ determination on the variance request shall be made in writing to the party making the request and shall advise the party of the ~~appeal~~~~reconsideration~~ process contained in subsection (d). This determination shall be made no later than 30 days after the ~~Board meeting at which the~~ variance request is ~~submitted~~~~heard~~.
- d) ~~The Board may reconsider a determination made pursuant to this Section.~~ To request ~~an appeal~~~~reconsideration~~, the owner or his/her designee shall submit a written ~~appeal~~~~request~~ to the Board including:
 - 1) Information in addition to that provided under subsection (b) that may assist the Board in its ~~deliberation~~~~reconsideration~~.
 - 2) Evidence that this Part or a code or regulation has been incorrectly interpreted, the provisions of the code or regulation do not fully apply, or the decision is unreasonable or arbitrary as it applies to alternatives or new materials.
- e) The request for ~~appeal~~~~reconsideration~~ shall be submitted no later than 30 days after receiving the variance determination ~~from OSFM or the Local Administrator.~~ The filing of an appeal ~~A request for variance or reconsideration~~

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shall not relieve a person from complying with the Act or this Part during the pending review.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1000.75 New Technology

- a) Any new technology that is issued a Certificate of Conformance under the Performance-Based Safety Code for Elevators and Escalators (ASME A17.7-2007/CSA B44.7-07) must be presented to the Board.
- b) The manufacturer of any new technology requiring approval must submit to the Board as least 90 days in advance of a scheduled Board meeting the Certificate of Conformance and any required accompanying report issued by the Accredited Elevator/Escalator Certifying Organization (AECO), any installation, testing and operational instructions, maintenance and inspection instructions and any special equipment that is necessary to inspect or maintain the new technology.
- c) The Board shall notify the manufacturer submitting the application and all Local Administrators on record of the new technology hearing at least 30 days in advance of the date scheduled for the Board to review the submitted documents and hear testimony. The Local Administrator may submit documentation supporting or opposing the new technology and may testify at the hearing.
- d) The Board may approve or deny the use of the new technology.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1000.80 Licensure and Registration Requirements

- a) Qualifications for Elevator Mechanic ~~License~~ or Temporary Authorization
 - 1) Elevator Mechanic License
Section 20(a) of the Act states that *no person shall erect, construct, wire, alter, replace, maintain, remove, or dismantle any conveyance contained within buildings or structures in the jurisdiction of this State unless he or she possesses an elevator mechanic license.*

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- A) *No license shall be granted to any person who has not paid the application fee required by Section 1000.100(a).*
- B) **Grandfathering**
~~*A person applying for an elevator mechanic or limited elevator mechanic license by December 31, 2007 and submitting to the OSFM acceptable proof that he or she has worked as an elevator constructor or maintenance or repair person for equipment the licensee is authorized to install shall be issued an elevator mechanic license. Acceptable proof shall consist of documentation that he or she worked without direct and immediate supervision for an elevator contractor who has worked on elevators in this State for a period of not less than 3 years immediately prior to April 24, 2007.*~~
- BE)** *No license shall be granted to any person who has not proven his or her qualifications and abilities. Applicants for an elevator mechanic license must demonstrate one of the following qualifications:*
- i) *an acceptable combination of documented experience and education credits consisting of:*
- *not less than 3 years work experience in the elevator industry, in construction, maintenance, or service and repair, as verified by current and previous employers licensed to do business in this State or in another state if the Board deems that out-of-state experience equivalent; and*
 - *satisfactory completion of a written examination administered by the Elevator Safety Review Board or its designated provider, testing understanding of~~on~~ this Part and the State codes incorporated in Section 1000.60; or*
- ii) *a certificate of successful completion of the mechanic examination of a nationally recognized training program*

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for the elevator industry, such as the National Elevator Industry Educational Program or its equivalent; or

- iii) *a certificate of completion of an elevator mechanic apprenticeship program, with standards substantially equal to those of the Act, registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor; or*
- iv) *a valid license from a state having standards substantially equal to those of this State. [225 ILCS 312/45]*

2) ~~Qualifications for a~~ Limited Elevator Mechanic License

- A) No license shall be granted to any person or firm that has not paid the application fee required by Section 1000.100(g).
- B) Qualifications for a limited elevator mechanic license shall be the same ~~as~~ for an elevator mechanic license, with the exception that qualifying work experience shall consist of work performed on specific ASME A18.1 conveyances ~~(platform lifts and stairway chairlifts)~~. Examinations will cover the ASME A18.1 standards specific to the conveyance, the Act, and this Part.

3) Temporary Authorization by OSFM
OSFM may issue temporary limited authority to an individual that OSFM deems qualified to perform work on a specific type of conveyance. The applicant shall furnish any proof of competency that OSFM may require and must obtain a permanent license within one year.

b) Elevator Industry Apprentice or Helper Registration

- 1) A person who is not licensed as an elevator mechanic or limited elevator mechanic may work as an elevator industry apprentice or helper ~~if one~~ he or she is registered as such by OSFM and works under the general supervision of a licensed elevator mechanic or licensed limited elevator mechanic.
- 2) No person shall be registered as an elevator industry apprentice or helper who has not paid the registration fee required by Section 1000.100(j).

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- 3) All elevator mechanic apprentices shall be registered with an apprenticeship or training program approved by the Bureau of Apprenticeship and Training, U.S. Department of Labor.
 - 4) Elevator industry apprentices and helpers shall register with OSFM by submitting, on a form provided by ~~the~~ OSFM, the following information:
 - A) Name, address and telephone number of the applicant.
 - B) Whether the applicant is registering as an apprentice or as a helper.
 - C) If an apprentice, the name and contact information for the apprenticeship or training program with which the apprentice is registered.
 - 5) Upon determination that the applicant for registration meets all the requirements of the Act and this Part, OSFM will provide the applicant with an elevator industry apprentice or helper registration card.
- c) Qualifications for a Temporary Elevator Mechanic License
- 1) No license shall be granted to any person who has not paid the application fee required by Section 1000.100(e).
 - 2) *A licensed elevator contractor or licensed limited elevator contractor shall notify OSFM when there are no licensed personnel available to perform elevator work and may request that the OSFM issue temporary elevator mechanic licenses to persons certified by the contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision.*
 - 3) A person for whom a contractor requests a temporary elevator mechanic license shall show proof of competency by documenting 3 years of work experience in the elevator industry, without direct supervision, in Illinois or any other state having standards substantially equal to those of this State.

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- 4) *A temporary elevator mechanic license shall recite that it is valid for a period of 30 days from the date of issuance and only while the elevator mechanic is employed by the licensed elevator contractor or licensed limited elevator contractor that certified the individual as qualified. It shall be renewable as long as the shortage of license holders continues. [225 ILCS 312/45(e)]*
 - 5) *A temporary elevator mechanic license shall be renewable as long as the shortage of license holders continues. [225 ILCS 312/45(e)]*
- d) Qualifications for Emergency Elevator Mechanic License
- 1) No application fee is required for an individual applying for an emergency elevator mechanic license or for the renewal of that license.
 - 2) *Whenever an emergency exists in the State due to disaster, act of God, or work stoppage and the number of persons in the State holding elevator mechanic licenses is insufficient to cope with the emergency, any person certified by a licensed elevator contractor or licensed limited elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an emergency elevator mechanic license from ~~the~~ OSFM within 5 business days after commencing work requiring a license.*
 - 3) *The applicant shall furnish proof of competency by submitting to ~~the~~ OSFM documentation of 3 years of work experience in the elevator industry, without direct supervision, in Illinois or any other state having standards substantially equal to those of this State.*
 - 4) *An emergency mechanic license is valid for 30 days from the date issued and for such particular elevators or geographical areas as ~~the~~ OSFM may designate. The emergency license entitles the licensee to the rights and privileges of an elevator mechanic license issued under subsection (a).*
 - 5) *OSFM shall renew an emergency elevator mechanic license during the existence of an emergency. [225 ILCS 312/45(d)]*
- e) Qualifications for Elevator Inspector License

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- 1) *No person shall inspect any conveyance within buildings or structures, including, but not limited to, private residences, unless he or she has an inspector license [225 ILCS 312/20(b)].*
 - 2) *No elevator inspector license shall be granted to any person who has not paid the application fee required by Section 1000.100(b).*
 - 3) *No inspector's license shall be granted to any person, unless he or she proves to the satisfaction of ~~the~~ OSFM that he or she meets the current ASME QEI-1, Standards for the Qualifications of Elevator Inspectors. [225 ILCS 312/50]*
 - 4) *To be licensed as an elevator inspector, the applicant must have attained QEI certification (see Section 1000.60(a)(1)(E)). An elevator inspector shall notify ~~the~~ OSFM within 24 hours after suspension, termination or expiration of his/her QEI certification. No inspector shall perform any inspection covered by the Act without a current QEI certification ~~and valid elevator inspector license.~~*
 - 5) *All elevator inspector license applicants are required to submit proof of insurance as required by Section 100 of the Act and must provide notice at least 10 days in advance to ~~the~~ OSFM of any substantial alteration or cancellation of a policy. No work covered by the Act is to be performed without insurance required by Section 100 of the Act.*
- f) **Qualifications for Elevator Contractor License**
Section 40(a) of the Act requires that any person *wishing to engage in the business of installing, altering, repairing, servicing, replacing, or maintaining elevators, dumbwaiters, escalators, or moving walks within this State* must be licensed.
- 1) *No license shall be granted to any person or firm unless the application fee required by Section 1000.100(c) is paid.*
 - 2) *No license shall be granted to any person or firm who has not proven the required qualifications and abilities. An applicant must be individually licensed as an elevator mechanic under the Act, perform the work set forth in subsection (a) of Section 20 of the Act, and have proof of compliance with the insurance requirements set forth in Section 100 of the Act or, in*

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the case of a firm, employ a person who is individually licensed as an elevator mechanic under the Act, perform the work set forth in subsection (a) of Section 20 of the Act, and have proof of compliance with the insurance requirements set forth in Section 100 of the Act. [225 ILCS 312/55]

- 3) All licensed elevator ~~contractor~~~~contractor license applicants are required to submit proof of insurance as required by Section 100 of the Act and~~ must provide notice to OSFM at least 10 days in advance ~~to the OSFM~~ of any substantial alteration or cancellation of ~~an insurance~~ policy required by Section 100 of the Act. No work covered by the Act is to be performed without insurance required by Section 100 of the Act.
- 4) *If the State of Illinois, a unit of local government, or an institution of higher education maintains in its employ licensed or limited licensed elevator mechanics who maintain only conveyances owned or leased by that entity, the employing entity is not required to be licensed as a contractor under this Section and none of the provisions of the Act concerning licensed contractors shall apply to these entities. [225 ILCS 40(a)]*
- g) Qualifications for a Limited Contractor License
- 1) No license shall be granted to any person or firm unless the application fee required by Section 1000.100(d) is paid.
 - 2) Qualifications for a limited contractor license shall be the same as for an elevator contractor license with the exception that work experience shall consist of work performed on ASME A18.1 conveyances (platform lifts and stairway chairlifts). Examinations will cover ASME A18.1 standards, the Act, and this Part.
- h) Qualifications for Elevator Inspection Company License
- 1) No company, limited liability company, corporation, not for profit corporation, partnership, limited partnership, sole proprietorship, or any other business organization authorized by law shall inspect or cause an employee to inspect any conveyance within buildings or structures,

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including, but not limited to, private residences, unless the company has an inspection company license.

- 2) *No elevator inspection company license shall be granted to any person who has not paid the application fee required by Section 1000.100(c). [225 ILCS 312/50]*
 - 3) No inspection company license shall be granted to any company unless the company proves to the satisfaction of ~~the~~-OSFM that one or more officers of the company meet the current ASME QEI-1, Standards for the Qualification of Elevator Inspectors. To be licensed as an elevator inspector, the applicant must have attained QEI certification (see Section 1000.60(a)(1)(E)).
 - 4) An elevator inspection company shall notify ~~the~~-OSFM within 24 hours after suspension, termination or expiration of the officer's QEI certification. No inspection company shall perform any inspection covered by the Act without ~~at least one~~an officer possessing a current QEI certification and an Illinois inspector license and the company possessing a valid elevator inspection company inspector license.
 - 5) All elevator inspection company license applicants are required to submit proof of insurance as required by Section 100 of the Act and must provide notice at least 10 days in advance to ~~the~~-OSFM of any substantial alteration or cancellation of a policy. No work covered by the Act is to be performed without insurance required by Section 100 of the Act.
- i) Miscellaneous Requirements
- 1) No licensee shall work on non-registered or non-permitted conveyances covered by the Act, except for those conveyances exempted from registration by the Act or Section 1000.120(e)(3) of this Part and except as stated in Section 1000.120(b).
 - 2) All license holders are required to report violations of the Act, this Part and the standards listed in Section 1000.60 to ~~the~~-OSFM.

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- 3) Each licensee shall have his/her valid license, and each elevator industry apprentice or helper shall have his/her valid registration card, in his/her possession when working on conveyances covered by the Act.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1000.90 Application for License or Registration

- a) **Application Forms**
All applications for an elevator mechanic, limited elevator mechanic, temporary elevator mechanic, emergency elevator mechanic, elevator inspector, elevator contractor, ~~or~~ limited elevator contractor, or elevator inspection company license, or for registration as an elevator industry apprentice or helper, shall be submitted to ~~the~~ OSFM on forms provided by ~~the~~ OSFM and shall include a photo of the applicant. All individual license applicants must submit a colored passport photo with their application.
- b) **OSFM Approval or Denial**
Upon receipt, review and approval of the application, ~~the~~ OSFM shall issue the appropriate license or registration. If OSFM determines the applicant does not qualify for licensure or registration based on the criteria established in Section 1000.80, OSFM shall deny the application and notify the applicant of the reason for denial.
- c) **Application for an Elevator Contractor or Limited Elevator Contractor License**
 - 1) *All applications for an elevator contractor or limited elevator contractor license shall include:*
 - A) *if the applicant is a person, the name, residence address, and business address of the applicant;*
 - B) *if the applicant is a partnership, the name, residence address, and business address of each partner;*
 - C) *if the applicant is a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of the corporation;*

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- D) *if the applicant is a corporation other than a domestic corporation, the name and address of an agent locally located who shall be authorized to accept service of process and official notices;*
- E) *the number of years the applicant has engaged in the business of installing, inspecting, maintaining, or servicing elevators or platform lifts or both;*
- F) *~~if applying for an elevator contractor or limited elevator contractor license,~~ the approximate number of persons, if any, to be employed by the applicant and, if applicable, satisfactory evidence that the employees are or will be covered by workers' compensation insurance;*
- G) *satisfactory evidence that the applicant is or will be covered by general liability, personal injury, and property damage insurance; and*
- H) *any criminal record of convictions. [225 ILCS 312/40]*
- 2) Contractor License Designee
Each applicant for an elevator contractor license or a limited elevator contractor license must designate one or more individuals as the Contractor License Designee. No work on conveyances covered by the Act may be performed by a contractor unless the Contractor License Designee has been appointed and OSFM has been notified of the appointment.
- A) Each~~The~~ Designee shall hold an elevator contractor license, a limited elevator contractor license, an elevator mechanic license or a limited elevator mechanic license.
- B) When an exam is required for licensure, the exam will be administered to a~~the~~ Designee.
- C) If a~~the~~ Designee separates employment or his/her designation is terminated, the contractor must notify ~~the~~ OSFM within 5 days. If the separating Designee was the sole Designee for the contractor, the~~The~~ contractor must designate a new Designee and inform ~~the~~

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OSFM in writing within 30 days after the new designation or the contractor's license will be automatically suspended. ~~No work on conveyances covered by the Act may be performed by a contractor unless a Contractor License Designee has been appointed and the OSFM has been notified of the appointment.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1000.100 License and Registration Fees

License fees shall be as follows:

- a) Elevator Mechanic License (initial and renewal) \$~~250~~200
- b) Elevator Inspector License (initial and renewal) \$~~450~~400
- c) Elevator Inspection Company License (initial and renewal) \$~~500~~400
- d) Elevator Contractor License (initial and renewal) \$1,000
- e) Limited Elevator Contractor License (initial and renewal) \$500
- f) Temporary Elevator Mechanic License (initial and renewal) \$~~100~~50
- g) Emergency Elevator Mechanic License (initial and renewal) \$~~1000~~
- h) Limited Elevator Mechanic License (initial and renewal) \$~~150~~100
- i) License Restoration Renewal Fee+\$50
- j) Replacement License \$~~50~~25
- k) Elevator Industry Apprentice or Helper Registration \$~~75~~50

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1000.110 Renewal of License

- a) All licenses shall be renewed every 2 years. ~~An individual~~A licensee may renew a license by submitting a written application for renewal and a colored passport photograph accompanied by the required fee, 45~~30~~ days prior to expiration of the license. The licensee will be invoiced for the appropriate license fee.

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- b) New and renewed licenses issued after January 1, 2010 will include a photo of the licensee.
- cb) The individual applicant or the elevator contractor or limited elevator contractor shall provide evidence satisfactory to ~~the~~ OSFM of completion by the individual applicant or the Contractor License Designee of at least 8 hours of continuing education that shall include a minimum of 2 hours on code updates and that shall be attended and completed within one year immediately preceding any license renewal. Continuing education curriculum shall be approved by the Board, and designed to ensure the continued qualifications of the applicant.
- 1) Any training provided by an elevator manufacturer on the equipment sold by that manufacturer may be counted toward the 8 hours of continuing education required for licensed contractors, mechanics, limited contractors and limited mechanics.
 - 2) Training received through a union, college, contractor or third-party program, other than manufacturer provided training, must be approved by the Board in advance of the training. The individual requesting the approval must submit to the Board information on the training that includes, but is not limited to, the course outline, course objectives, hours granted, and instructor's name and qualifications. The Board will not credit training that has not received prior approval.
- de) *A licensee who is unable to complete the continuing education ~~course~~ required by subsection (cb) prior to the expiration of his/her license due to a temporary disability may apply for a waiver from the Board as provided for in Section 60(f) of the Act. [225 ILCS 312/60(f)]*
- ed) If a license is allowed to lapse, it may be restored within one year after its expiration date by meeting the ~~requirements~~ requirement of ~~subsections~~ subsection (b) and (c) and the payment of \$50 in addition to the renewal fee. If a license is not restored within one year after its expiration date, the license holder must apply for a new license and shall follow the appropriate licensing procedure.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1000.120 Registration of Conveyances

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- a) Registration of Newly Installed Conveyances
~~Any~~The licensed elevator contractor or limited elevator contractor installing a new conveyance shall be registered by the owner with OSFM as required by Section 95 of the Act at the time register the conveyance is completed and placed in service with the OSFM as required by Section 95 of the Act and The owner shall pay a registration fee of \$30.
- b) Registration of Existing Conveyances
~~Owners must register their existing conveyances with OSFM and pay a registration fee of \$30. Before July 1, 2008, owners of existing conveyances shall register the conveyance with the OSFM as required by Section 80 of the Act and pay a registration fee of \$30. Inspectors, contractors and mechanics are permitted to service an unregistered existing conveyance one time after July 1, 2007 and provide the owner with notice that the conveyance is required to be registered. The conveyance may not be serviced thereafter until it is properly registered with the OSFM.~~
- c) The registration shall be on a form provided by ~~the~~ OSFM ~~that~~ and shall ~~require~~include, but is not limited to, identification of the conveyance type, rated load and speed, manufacturer, location, purpose, and date of installation, along with any other information deemed necessary.
- d) The OSFM shall issue for each conveyance a registration identification plate with the registration number inscribed that shall be used to identify the conveyance ~~thereafter~~. The registration plate shall be permanently affixed/attached to the elevator conveyance control panel in the elevator conveyance equipment room, one of the following:
- ~~1) Machine, pump unit or drive unit;~~
 - ~~2) Car operating station.~~
- e) Replacement registration identification plates shall require a fee of \$10 for each additional plate.
- f) Penalties
~~1) Conveyance Owners~~Conveyance owners or lessees violating ~~Violation of the registration provisions of the Act by a conveyance owner or this Part may~~shall be ~~subject~~ to a fine not to exceed \$1,500 per day for each violation. [225 ILCS

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~~312/110(b)]the owner to prosecution for a Class C misdemeanor in accordance with Section 110(b) of the Act.2)ContractorsThe OSFM may assess a penalty not to exceed \$500 for each day a contractor fails to register a new conveyance as required by Section 95(a) of the Act.~~

- ~~g3) Registrations is not required for private residence conveyances. Private Residence Owners No fee will be charged for voluntarily registeringregistration of existing private residence conveyances and no penalties will be incurred by the owner of a private residence. These conveyances are not covered by the Act.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1000.130 Permits

- a) A licensed elevator contractor or limited licensed elevator contractor shall obtain a permit from ~~the OSFM or the Local Administrator, municipality, or county that regulates such activities~~ prior to erecting, constructing, installing, or materially altering any conveyances covered by the Act. Permits will be required under this Section only for projects that commence after the effective date of this Part.
- b) *All conveyance construction or alteration documents shall be submitted to OSFM or the Local Administrator for a permit. The document for a new or altered building must first have been reviewed and approved by the local governmental authority as meeting the local building and fire code. In those jurisdictions where the municipality or county has not signed a local elevator agreement with OSFM and the municipality or county does not have a means by which it approves building documents or issues building permits, the conveyance construction or alteration documents shall be submitted to OSFM along with the owner-supplied, sealed technical submissions from a licensed architect or engineer. OSFM has authority to charge a document review fee for this service. [225 ILCS 312/90(f)]*
- cb) *If the permit is issued by a local government, the governmental entity issuing the permit shall send a copy to the OSFM. The Local Administratorgovernmental entity shall be required to maintain the permit on file for a period of not less than 2 yearsone year from the date of issuance.*
- de) Each application for a permit from the OSFM shall be on a form provided by the OSFM and shall be accompanied by the permit fee established in subsection (ig) and accurately scaled and fully dimensioned plans and shall show the location of

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the machinery room and the equipment to be installed, relocated, or altered, and all structural supporting members thereof, including foundations. The specifications shall include all materials to be employed and all loads to be supported or conveyed. These plans and specifications shall be sufficiently complete to illustrate all details of construction and design. [225 ILCS 312/90(c)] The application shall specify whether the permit is for a conveyance used for mobility-impaired or non-mobility-impaired purposes. All permit applications shall be signed by the Contractor License Designee.

- ~~ed)~~ At the conclusion of the permitted activity, the licensed elevator contractor or limited elevator contractor shall arrange for a licensed elevator inspector to perform an acceptance inspection.
- ~~fe)~~ The licensed elevator contractor or limited elevator contractor shall notify ~~the~~ OSFM no less than 7 days prior to the acceptance inspection being performed.
- ~~f)~~ ~~The licensed elevator contractor or limited elevator contractor shall specify whether the permit is for a conveyance used for mobility-impaired or nonmobility-impaired purposes.~~
- g) *A permit to alter a conveyance may be issued to an entity exempted from licensure under subsection (a) of Section 40 of the Act.* [225 ILCS 312/90(a)]
- h) Revocation and Extension of Permit
- 1) OSFM or the Local Administrator may revoke the permit if the work authorized by a permit has not commenced within 12 months after the date of issuance (or within a shorter period of time as OSFM or the Local Administrator may specify in the permit), or the job is suspended or abandoned for a period of 180 days (or for a shorter period of time as OSFM or the Local Administrator may specify in the permit).
- 2) The licensed contractor may request that OSFM or the Local Administrator grant an extension of time for the permit. OSFM or the Local Administrator may grant the extension at his or her discretion.
- ~~ih)~~ OSFM permit fees shall be as follows:
- 1) New installation \$400200

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- | | | | |
|--|-----------|-------------------------|-----------------------|
| | 2) | Material alteration | \$ 200 400 |
| | <u>3)</u> | <u>Permit extension</u> | <u>\$100</u> |

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1000.140 Conveyance Inspection

a) Acceptance Inspections

All new conveyance installations shall be inspected and, based on that inspection, shall, prior to initial use, receive a Certificate of Operation from ~~the~~ OSFM. *All new conveyance installations shall be performed by a licensed elevator contractor who shall, subsequent to inspection, certify compliance with the applicable Sections of the Act and this Part. [225 ILCS 312/95(a)]*

b) Periodic Inspections and Tests

- 1) *It shall be the responsibility of the owner of all new and existing conveyances located in any building or structure to have the conveyance inspected annually. [225 ILCS 312/120(a)] It shall be the responsibility of the owner to insure that the inspections and tests are performed at the prescribed intervals.*
- 2) All inspections and tests shall be conducted in accordance with the State code listed in Section 1000.60 that applies to the conveyance being inspected.
- 3) Upon completion of the~~Subsequent to~~ *inspection, the licensed elevator inspector must supply the property owner ~~and the OSFM~~ with a copy of the written inspection report describing any and all violations and the licensed elevator inspector and property owner shall keep records for review by OSFM.*
- 4) All property owners and licensed elevator inspection companies shall maintain elevator inspection reports and elevator testing results for 10 years.
- 54) *Property owners shall have 30 days from the date of the published inspection report to be in full compliance by correcting any violations. [225 ILCS 312/120(a)] Existing conveyances shall comply with the time*

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limits provided in Section 1000.60(a)(1)(C). The licensed inspector will review the actions taken by the property owner and, if the corrections are adequate, will issue a follow-up inspection report indicating adequate remediation of the violations.

- ~~65)~~ *The* OSFM may extend the compliance dates for good cause, provided that the violations are minor and pose no threat to public safety. [225 ILCS 312/120(a)]
- ~~76)~~ All tests and inspections shall be performed by individuals licensed ~~elevator mechanic or licensed limited elevator mechanic who is licensed~~ to perform that work or inspections on that particular type of conveyance. ~~[225 ILCS 312/120(e)]~~
- c) ~~Random~~ Inspections by OSFM
~~As authorized by Section 105(a) of the Act, the~~ OSFM may conduct random on-site inspections and tests on existing installations using its own personnel or third party licensed inspectors under contract with OSFM.
- d) Conflict of Interest
- 1) No individual licensed as both an elevator mechanic (regular or limited) and elevator inspector may inspect his/her own work, the work of his/her company, or the work of a company affiliated with his/her company.
 - 2) The Board may grant exceptions for governmental, academic, and other institutions that maintain their own personnel licensed as elevator inspectors and as elevator mechanics to allow those personnel to inspect conveyances owned or leased by the institutions as long as the personnel~~they~~ are not inspecting their own work.
 - 3) In the event that there are insufficient independent licensed inspectors available, the~~The~~ Board may grant exceptions and allow Category 1 Hydraulic Pressure Tests (see ASME A17.1) of elevators to be witnessed by a licensed inspector employed by a licensed contractor, provided that a separate licensed mechanic performs the tests, ~~in the event that there are insufficient independent licensed inspectors available.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 1000.145 Request for Investigation

- a) Any person may make a request for an investigation into an alleged violation of the Act by giving notice to OSFM or the Local Administrator of the violation or danger. The notice shall be in writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the person making the request. Upon the request of any person signing the notice, the person's name shall not appear on any copy of the notice or any record published, released or made available.
- b) If the request is to the Local Administrator and the Local Administrator determines that there are reasonable grounds to believe that the violation or danger exists, the Local Administrator shall forward the request for an investigation to OSFM.
- c) OSFM, upon receipt of a notification under this Section, shall review the complaint. If OSFM determines that there are reasonable grounds to believe that the violation or danger exists, OSFM shall cause to be conducted or shall permit the Local Administrator to conduct an investigation as soon as practicable to determine if the violation or danger exists. If OSFM determines that there are no reasonable grounds to believe that a violation or danger exists, it shall notify the party in writing of that determination. [225 ILCS 312/105(b) and (c)]

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 1000.150 Certificate of Operation

- a) An owner of a conveyance must apply annually for a Certificate of Operation. Each application for a Certificate of Operation shall be submitted by the owner of a conveyance to ~~the~~ OSFM and shall include the following:
- 1) An acceptance report or the report from the most recent ~~annual~~periodic inspection from a licensed elevator inspector indicating the date of the inspection and that the conveyance has passed inspection and is safe for normal use;

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- 2) A certification from a licensed elevator mechanic or licensed limited elevator mechanic that the conveyance was tested in accordance with the appropriate State code;
- 3) Any other information ~~the~~ OSFM may require; and
- 4) The fee required by subsection (b).
- b) The fees for Certificate of Operation shall be as follows:
- | | |
|--|-------------------------------|
| 1) Initial Certificate of Operation | \$100 |
| 2) Annual Renewal of Certificate of Operation | \$75 |
| 3) Renewal of Expired Certificate of Operation | \$125 <u>\$100</u> |
| 4) Temporary Certificate of Operation | \$200 |
| <u>5) Late Fee</u> | <u>\$50</u> |
- c) Upon receipt and review of the application and supporting documentation, ~~the~~ OSFM shall issue the appropriate Certificate of Operation or shall notify the applicant of the reason for the denial of the certificate.
- d) ~~The~~ OSFM may issue a Temporary Certificate of Operation that permits the temporary use of a non-compliant conveyance by the public for up to 30 days while minor repairs are being completed if ~~the~~ OSFM determines that use of the conveyance pending repair will not jeopardize the safety and health of those using or working on the conveyance. ~~The~~ OSFM also may issue Temporary Certificates of Operation for elevators used for construction or demolition.
- e) ~~The Certificate~~*Certificates* of Operation or a copy of the certificate shall be clearly displayed on or in each conveyance, ~~or in the machine room for the benefit of the State code enforcement staff.~~ [225 ILCS 312/95(c)]
- f) Upon expiration of the Certificate of Operation, ~~the~~ OSFM may direct the building owner to suspend operation of the conveyance.
- g) ~~The~~ OSFM may cancel the Certificate of Operation and place the conveyance out of service when any of the following conditions exist:

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- 1) The conveyance is deemed unsafe for operation or is being operated in an unsafe manner.
 - 2) The owner fails to pay fees or penalties.
 - 3) The owner fails to have the conveyance inspected at required intervals.
 - 4) The owner fails to take corrective action as directed by ~~the~~ OSFM.
- h) When a Certificate of Operation has been suspended or cancelled or the conveyance has been placed out of service by ~~the~~ OSFM, no person shall operate the conveyance. To re-enable use of the conveyance, the~~The~~ owner of the conveyance shall remediate the cause of the suspension or cancellation; shall have the conveyance reinspected; and shall apply to have a suspended Certificate of Operation reinstated and shall have the reinstatement granted or shall apply for and receive a new Certificate of Operation to replace a cancelled certificate.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1000.170 Administrative Procedures

- a) ~~The~~ OSFM may assess a penalty against any person, other than a conveyance owner, who violates the Act or this Part or any of the standards listed in Section 1000.60.
- b) It shall be a violation of this Part for any licensed contractor, mechanic or inspector to:
 - 1) fail to conduct an inspection of any conveyance that determines the condition of all portions of the conveyance required to be inspected by the standards adopted in Section 1000.60;
 - 2) to willfully conceal a deficiency known to the mechanic or inspector;
 - 3) conduct a fraudulent, negligent or incomplete inspection of a conveyance or to allow an employee to conduct a fraudulent, negligent or incomplete inspection of a conveyance.
- c) Issuance of Administrative Citation

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- 1) ~~The~~ OSFM may issue a written administrative citation. ~~in writing and~~
The citation shall specifically describe the nature of the violation and its location and shall include a reference to the particular Section of the Act or this Part or the specific standard alleged to have been violated. The citation shall also state the amount of the fine levied in accordance with subsection (d) and the process for appeal.
 - 2) The person alleged to have committed the violation shall have 30 days from the date of service of the notice to notify the Board in writing of any intent to appeal the citation and fine. If no notice of appeal is filed, the citation and penalty shall be deemed a final order of ~~the~~ OSFM.
 - 3) Administrative citations and penalties issued under this Section shall not limit the authority of ~~the~~ OSFM to issue orders, revoke permits, stop work on construction and/or order the electrical power to be disconnected, or take any other appropriate enforcement action.
- d) Appeal of a Citation
- 1) A person who appeals a citation issued by ~~the~~ OSFM shall be entitled to a hearing before the Board or the Board's designee within 90 days after filing the notice of appeal. The 90 day time frame may be extended, with OSFM approval, if the appellant requests in writing additional time to prepare for the hearing.
 - 2) The Board shall provide a hearing notice to the appellant that shall include the following information:
 - A) A statement of the time, place, and nature of the hearing;
 - B) A statement of the legal authority and jurisdiction under which the hearing is to be held;
 - C) A reference to the Sections of the Act and this Part involved and/or the specific State code involved;
 - D) A short and plain statement of the matters at issue.

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- 3) The Board may appoint a hearing officer to hear evidence on any appeal, prepare findings, and recommend a decision.
 - 4) The appellant may appear at the hearing with counsel, and may present evidence, and cross-examine witnesses.
 - 5) An opportunity shall be given all parties to respond and present evidence and arguments on all issues involved.
 - 6) At the close of the evidence, the Board shall issue a written decision with findings of fact and conclusions of law determining whether a violation has occurred and the amount of any penalty, if any, to be assessed.
 - 7) Nothing in this Section shall prohibit the informal disposition of a citation by stipulation, agreed settlement, consent order, or default. Informal disposition may proceed with clear and simple documentation without complete adherence to this Section.
- e) Administrative Penalty/Fine
- 1) Any owner or lessee who violates any of the provisions of the Act or this Part may be subject to a fine not to exceed \$1,500 per day for each violation is guilty of a Class C misdemeanor. Violation of the Act by any licensee shall be subject to the penalties under Section 65 of the Act.
 - 2) Licensure Violation
 - A) The fine shall not exceed \$2,000 for each instance for any person or business that performs elevator work without being properly licensed as required by this Part.
 - B) The fine shall not exceed \$2,000 for each instance for any contractor that allows an individual who does not possess a valid license required by this Part to perform work on a conveyance covered by the Act. ~~who does not possess a valid license required by this Part.~~

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- C) ~~The~~ OSFM may suspend or revoke any license when the licensee fails to pay assessed penalties or willfully or repeatedly violates the Act or this Part.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

**Section 1000.180 Service or Inspection of Non-Compliant Conveyances ~~Implementation~~
Schedule**

- a) Inspectors, contractors and mechanics are not permitted to service an unregistered existing conveyance that is required by the Act to be registered without prior permission from OSFM, except as provided in this Section.
- ba) Licensed elevator contractors and licensed inspection companies shall request from the conveyance owner the conveyance's registration number and a copy of the current Certificate of Operation. If necessary, a 30-day extension may be obtained from OSFM so that a conveyance owner may register a conveyance. A 60-day one-time extension may be obtained from OSFM so that a conveyance owner can schedule an inspection in order to obtain a Certificate of Operation. OSFM will grant the 30-day extension or 60-day extension so that service may be performed. Forms for submitting an extension request are available on the OSFM website at www.sfm.illinois.gov under the Elevator Safety link. In municipalities that have a local elevator agreement with OSFM, the conveyance owner must apply to the municipality for an extension to obtain a current Certificate of Operation. ~~Grandfathering. The OSFM may issue an elevator mechanic or limited elevator mechanic license, in accordance with Section 45(e)(2) of the Act (grandfathering), to a person applying by December 31, 2007.~~
- cb) Exceptions to Obtaining Advance Permission from OSFM to Work on a Non-Compliant Conveyance
- 1) All Elevators and Conveyances
Should a situation occur in which an elevator contractor has been contacted to remove a trapped or injured person from a conveyance or render the conveyance out of service for reasons of safety, the licensee may perform that work, but must notify OSFM via email or phone call the next business day after performing the service.
- 2) Registered Conveyances with an Expired Certificate of Operation

ELEVATOR SAFETY REVIEW BOARD

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- A) The inspection company may have its licensed inspector perform the requested inspection prior to receiving permission from OSFM, provided the inspection company notifies OSFM via email or phone call the next business day, providing the location of the conveyance that is registered but lacks a current Certificate of Operation. The inspector may put the conveyance out of order if he/she determines the conveyance is unsafe to operate.
- B) A licensed mechanic may work on a conveyance with an expired Certificate of Operation if there is a final inspection report not older than 30 days posted in the equipment room prior to the conveyance owner applying for and receiving its annual Certificate of Operation. Should the inspection report be older than 30 days, the elevator contractor/mechanic must notify OSFM via email or phone call the next business day, providing the location of the conveyance. ~~Implementation of Elevator Mechanic and Limited Elevator Mechanic Licenses. By July 1, 2008, any holder of a temporary elevator mechanic or temporary limited elevator mechanic license issued under Section 1000.80(c) of the emergency rules creating this Part shall acquire a permanent license under Section 1000.80(a) if he or she plans to continue to perform as an elevator mechanic or limited elevator mechanic.~~
- e) ~~Initial Implementation of Elevator Inspector License. Each company that employs an elevator inspector must submit to OSFM a letter identifying the name of each inspector in its employment by July 1, 2008. Any of those identified inspectors must apply for Illinois inspector licensure by July 1, 2008 unless they have already been issued an inspector license under the Act. After July 1, 2008, any individual who has not been issued an elevator inspector license by OSFM is prohibited from inspecting conveyances in this State.~~
- d) ~~Initial Implementation of Conveyance Registration – Existing. All conveyances that were in operation when these proposed rules were adopted shall be registered by November 1, 2008. Inspectors, contractors and mechanics are permitted to service an unregistered existing conveyance one time after November 1, 2008 and provide the owner with notice that the conveyance is required to be registered. The conveyance may not be serviced thereafter until it is properly registered with the OSFM.~~

ELEVATOR SAFETY REVIEW BOARD

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- e) ~~Initial Implementation of Conveyance Registration – New. All new conveyances shall be required to have a certificate of operation after March 1, 2008.~~
- f) ~~Local Programs. Municipalities and counties that intend to regulate conveyances must submit an Elevator Safety Program Agreement with the Board. This agreement includes, but is not limited to, the information required in Section 1000.40.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Bank Branches
- 2) Code Citation: 38 Ill. Adm. Code 305
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
305.10	Amendment
305.20	Amendment
305.100	New Section
- 4) Statutory Authority: Implementing Section 5(15) and authorized by Section 48(6) of the Illinois Banking Act [205 ILCS 5/5(15) and 48(6)]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment eliminates the filing of a notice of intent to establish a branch within the United States for "eligible banks". The Department has concluded that due to the fact that the bank's primary federal regulator approves the establishment of a new branch, for a well rated bank the notice is an added regulatory burden to the bank. Therefore, the Department will only seek such notice from institutions that are not considered "eligible banks" in order to establish that the branch is safe and sound considering the bank's current condition. These amendments also modify the filing of a notice of intent to establish a subsidiary pursuant to Section 5/5(12) of the Act, to be accomplished by mailing notice to the Department for any bank intending to establish a subsidiary in order to manage, market, and dispose of real estate obtained in satisfaction of "debt previously contracted". The Department has concluded that mailing of a notice will reduce administrative costs associated with filing of the notice and increase the operational efficiency of the Department.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Interested persons may submit written comments to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786

217/785-0813 Fax: 217/557-4451

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: Please see the proposed amendments to this Part.
 - C) Types of professional skills necessary for compliance: Administrative along with banking and finance.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2008

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
OFFICE OF BANKS AND REAL ESTATE

PART 305

BANK BRANCHES AND SUBSIDIARIESSUBPART A: GENERAL

Section

305.10

Definitions

SUBPART B: BRANCHESSection

305.20

Procedure to Establish and Maintain a Bank Branch

305.30

Acknowledgment by the Office of Banks and Real Estate (Repealed)

305.40

Date a Branch is Established and Maintained (Repealed)

SUBPART C: SUBSIDIARIESSection305.100Procedure to Establish and Maintain a Subsidiary to Manage Real Estate Obtained in Satisfaction of Debt Previously Contracted

AUTHORITY: Implementing Section 5(15) and authorized by Section 48(6) of the Illinois Banking Act [205 ILCS 5/5(15) and 48(6)].

SOURCE: Adopted at 12 Ill. Reg. 11178, effective August 8, 1988; recodified from Chapter II, Commissioner of Banks and Trust Companies, to Chapter II, Office of Banks and Real Estate, pursuant to P.A. 89-508, at 20 Ill. Reg. 12645; amended at 21 Ill. Reg. 8367, effective June 24, 1997; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL**Section 305.10 Definitions**

"Act" means the Illinois Banking Act [205 ILCS 5].

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

"Appropriate ~~Federal Banking Agency~~ ~~federal banking agency~~" means the Federal Deposit Insurance Corporation, the Federal Reserve Bank of Chicago or the Federal Reserve Bank of St. Louis.

"Controlling Interest" means at least 50% plus 1 share, or more than 50% membership interest for a limited liability company.

"Debt Previously Contracted" means real estate, including capitalized and operating leases, acquired by a state bank through any means in full or partial satisfaction of a debt.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Banking with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation- Division of Banking with the authority delegated by the Secretary.

"Eligible Bank" means a state bank that:

is well capitalized as defined in section 325.103 (12 CFR 325.103) or is operating in compliance with a capital plan approved in writing by the Division;

received a composite rating of either 1 or 2 as defined by the Uniform Financial Institutions Rating System at the most recent examination by the Division or appropriate federal banking agency;

is not presently operating under a memorandum of understanding, order to cease and desist, or other State or federal administrative enforcement order issued by the Division or the appropriate federal banking agency.

"Notice" means a copy of the state bank's application to its appropriate federal banking agency for approval to establish a branch.

~~"Office" means the Office of Banks and Real Estate.~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"State ~~Bank~~bank" means a bank that has a banking charter issued under the Act.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART B: BRANCHES**Section 305.20 Procedure to Establish and Maintain a Bank Branch**

A state bank that is not an eligible bank as defined in Section 305.10 and that seeks~~seeking~~ to establish and maintain a bank branch inside the United States or any state bank that seeks to establish a branch outside the United States must file a Notice with the ~~Division~~Office of Banks and Real Estate not less than 30 calendar days before the bank enters into any contract or expends funds on a temporary or permanent branch facility~~branch begins doing business.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART C: SUBSIDIARIES**Section 305.100 Procedure to Establish and Maintain a Subsidiary to Manage Real Estate Obtained in Satisfaction of Debt Previously Contracted**

A state bank that seeks to establish and maintain a subsidiary in order to manage, market and dispose of real estate obtained in satisfaction of debt previously contracted may establish a subsidiary upon mailing of notice of intent to establish a subsidiary to the Division pursuant to Section 5(12) of the Act when the bank has a controlling interest in the subsidiary. Once mailed, the notice is deemed received by the Department.

(Source: Added at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Sport Fishing Regulations for the Waters of Illinois
- 2) Code Citation: 17 Ill. Adm. Code 810
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
810.45	Amendment
810.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update site-specific fishing regulations by water area and to update the dates of "Free Fishing Days" for 2012.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way

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Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2011

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 810
SPORT FISHING REGULATIONS FOR THE WATERS OF ILLINOIS

Section

810.5	Definitions
810.10	Sale of Fish and Fishing Seasons
810.20	Snagging
810.30	Pole and Line Fishing Only (Repealed)
810.35	Statewide Sportfishing Regulations – Daily Catch and Size Limits
810.37	Definitions for Site Specific Sportfishing Regulations
810.40	Daily Catch and Size Limits (Repealed)
810.45	Site Specific Water Area Regulations
810.50	Bait Fishing
810.60	Bullfrogs (Repealed)
810.70	Free Fishing Days
810.80	Emergency Protective Procedures
810.90	Fishing Tournament Permit
810.100	Bed Protection

AUTHORITY: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5].

SOURCE: Adopted at 5 Ill. Reg. 751, effective January 8, 1981; codified at 5 Ill. Reg. 10647; amended at 6 Ill. Reg. 342, effective December 23, 1981; amended at 6 Ill. Reg. 7411, effective June 11, 1982; amended at 7 Ill. Reg. 209, effective December 22, 1982; amended at 8 Ill. Reg. 1564, effective January 23, 1984; amended at 8 Ill. Reg. 16769, effective August 30, 1984; amended at 9 Ill. Reg. 2916, effective February 26, 1985; emergency amendment at 9 Ill. Reg. 3825, effective March 13, 1985, for a maximum of 150 days; emergency expired August 10, 1985; amended at 9 Ill. Reg. 6181, effective April 24, 1985; amended at 9 Ill. Reg. 14291, effective September 5, 1985; amended at 10 Ill. Reg. 4835, effective March 6, 1986; amended at 11 Ill. Reg. 4638, effective March 10, 1987; amended at 12 Ill. Reg. 5306, effective March 8, 1988; emergency amendment at 12 Ill. Reg. 6981, effective April 4, 1988, for a maximum of 150

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days; emergency expired September 1, 1988; emergency amendment at 12 Ill. Reg. 10525, effective June 7, 1988, for a maximum of 150 days; emergency expired November 4, 1988; amended at 12 Ill. Reg. 15982, effective September 27, 1988; amended at 13 Ill. Reg. 8419, effective May 19, 1989; emergency amendment at 13 Ill. Reg. 12643, effective July 14, 1989, for a maximum of 150 days; emergency expired December 11, 1989; emergency amendment at 13 Ill. Reg. 14085, effective September 4, 1989, for a maximum of 150 days; emergency expired February 1, 1990; emergency amendment at 13 Ill. Reg. 15118, effective September 11, 1989, for a maximum of 150 days; emergency expired February 8, 1990; amended at 14 Ill. Reg. 6164, effective April 17, 1990; emergency amendment at 14 Ill. Reg. 6865, effective April 17, 1990, for a maximum of 150 days; emergency expired September 19, 1990; amended at 14 Ill. Reg. 8588, effective May 21, 1990; amended at 14 Ill. Reg. 16863, effective October 1, 1990; amended at 15 Ill. Reg. 4699, effective March 18, 1991; emergency amendment at 15 Ill. Reg. 5430, effective March 27, 1991, for a maximum of 150 days; emergency expired August 24, 1991; amended at 15 Ill. Reg. 9977, effective June 24, 1991; amended at 15 Ill. Reg. 13347, effective September 3, 1991; amended at 16 Ill. Reg. 5267, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 6016, effective March 25, 1992, for a maximum of 150 days; emergency expired August 22, 1992; amended at 16 Ill. Reg. 12526, effective July 28, 1992; amended at 17 Ill. Reg. 3853, effective March 15, 1993; emergency amendment at 17 Ill. Reg. 5915, effective March 25, 1993, for a maximum of 150 days; emergency expired August 22, 1993; amended at 17 Ill. Reg. 10806, effective July 1, 1993; amended at 18 Ill. Reg. 3277, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 5667, effective March 25, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 12652, effective August 9, 1994; amended at 19 Ill. Reg. 2396, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5262, effective April 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10614, effective July 1, 1995; amended at 20 Ill. Reg. 4640, effective March 6, 1996; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 21 Ill. Reg. 9389; amended at 21 Ill. Reg. 4709, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 5590, effective April 15, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12140, effective August 26, 1997; amended at 22 Ill. Reg. 4930, effective March 2, 1998; amended at 23 Ill. Reg. 3434, effective March 8, 1999; emergency amendment at 23 Ill. Reg. 7317, effective June 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 8406, effective July 7, 1999; amended at 24 Ill. Reg. 3736, effective February 25, 2000; amended at 25 Ill. Reg. 6296, effective March 26, 2001; emergency amendment at 25 Ill. Reg. 7947, effective June 16, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 9912, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11386, effective August 14, 2001; emergency amendment at 25 Ill. Reg. 12122, effective September 15, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1210, effective January 16, 2002; amended at 26 Ill. Reg. 4294, effective March 6, 2002; amended at 27 Ill. Reg. 3376, effective February 14, 2003; amended at 28 Ill. Reg. 4607, effective March 1, 2004; amended at 29 Ill. Reg. 3955,

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effective February 24, 2005; amended at 30 Ill. Reg. 4810, effective March 1, 2006; amended at 31 Ill. Reg. 3480, effective February 16, 2007; emergency amendment at 31 Ill. Reg. 8265, effective May 25, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14432, effective October 5, 2007; amended at 32 Ill. Reg. 3302, effective February 25, 2008; amended at 33 Ill. Reg. 5275, effective March 25, 2009; amended at 34 Ill. Reg. 6391, effective April 20, 2010; amended at 35 Ill. Reg. 4011, effective February 22, 2011; amended at 35 Ill. Reg. _____, effective _____.

Section 810.45 Site Specific Water Area Regulations

Fishing regulations, including species of fish, fishing methods and daily catch limits are listed for each water area. The numbers in parenthesis refer to the corresponding numbered definitions in Section 810.37 of this Part. If a water area is not listed or if a specific species is not listed, then state-wide restrictions apply. Check the bulletin boards at the specific site for any emergency changes to regulations.

Altamont Reservoir, City of Altamont
Effingham County

Large or Smallmouth Bass	15" Minimum Length Limit
Large or Smallmouth Bass (14)	1 Fish Daily Creel Limit

Anderson Lake Fish and Wildlife Area (33)
Fulton County

Andover Lake, City of Andover
Henry County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit

Anna City Lake, City of Anna
Union County

All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish	- 8" Minimum Length Limit
Bluegill or Redear Sunfish (14)	- 10 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit

Apple River (within Apple River Canyon State Park and Satellite Boundaries), State of Illinois

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Jo Daviess County

- All Fish - 2 Pole and Line Fishing Only (1)
- Smallmouth Bass - Catch and Release Fishing Only (9)
- Trout - Spring Closed Season (11)

Apple River and tributaries, State of Illinois

Jo Daviess County

- All Fish - 2 Pole and Line Fishing Only (1)
- Smallmouth Bass - 14" Minimum Length Limit
- Trout - Spring Closed Season (11)

Argyle Lake, Argyle Lake State Park

McDonough County

- Recreational Use Restrictions - All live bait ~~>in excess of~~ 8" must be rigged with a quick set rig (43)
- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
- Channel Catfish - 6 Fish Daily Creel Limit
- Hybrid Walleye - 3 Fish Daily Creel Limit
- Large or Smallmouth Bass (14) - 1 Fish > 15" and/or 5 < 12" Daily (12)
- Trout - Fall Closed Season (10)
- White, Black, or Hybrid Crappie (15) - 10 Fish Daily Creel Limit
- White, Black, or Hybrid Crappie - 9" Minimum Length Limit

Arrowhead Heights Lake, Village of Camp Point

Adams County

- All Fish - 2 Pole and Line Fishing Only (1)
- ~~Channel Catfish~~ - ~~16" Minimum Length Limit~~
- Channel Catfish - ~~63~~ Fish Daily Creel Limit
- ~~Bluegill or Redear Sunfish~~ - ~~8" Minimum Length Limit~~
- ~~Bluegill or Redear Sunfish (14)~~ - ~~10 Fish Daily Creel Limit~~
- Large or Smallmouth Bass - ~~1518~~" Minimum Length Limit
- Large or Smallmouth Bass (14) - ~~31~~ Fish Daily Creel Limit
- ~~White, Black, or Hybrid Crappie~~ - ~~10" Minimum Length Limit~~
- ~~White, Black, or Hybrid Crappie (15)~~ - ~~10 Fish Daily Creel Limit~~

Arrowhead Lake, City of Johnston City

Williamson County

- All Fish - 2 Pole and Line Fishing Only (1)

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Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
White, Black, or Hybrid Crappie (15)	- 15 Fish Daily Creel Limit

Ashland City Old Reservoir, City of Ashland
Morgan County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit

Ashland City Reservoir, City of Ashland
Morgan County

All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 10 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit

Auburn Park Lagoon, Chicago Park District
Cook County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 4 Fish Daily Creel Limit

Axehead Lake, Cook County Forest Preserve
Cook County

All Fish	- 2 Pole and Line Fishing Only (1) (36)
Bluegill, Redear, or Pumpkinseed Sunfish (14)	- 15 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length
Trout	- Fall Closed Season (10)
Trout	- Spring Closed Season (11)
White, Black, or Hybrid Crappie (15)	- 15 Fish Daily Creel Limit

Bakers Lake, City of Peru
LaSalle County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

Baldwin Lake, Baldwin Lake Conservation Area

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Randolph County

- | | |
|--|--|
| All Fish | - 2 Pole and Line Fishing Only (1) (5) |
| Large or Smallmouth Bass | - 18" Minimum Length Limit |
| Striped, White, or Hybrid Striped Bass | - 17" Minimum Length Limit |
| Striped, White, or Hybrid Striped Bass
(16) | - 3 Fish Daily Creel Limit |
| White, Black, or Hybrid Crappie (15) | - 25 Fish Daily Creel Limit |
| White, Black, or Hybrid Crappie | - 9" Minimum Length Limit |

Banana Lake, Lake County Forest Preserve District

Lake County

- | | |
|-------------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 3 Fish Daily Creel Limit |
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Trout | - Fall Closed Season (10) |
| Trout | - Spring Closed Season (11) |

Banner Marsh Lake & Ponds, Banner Marsh State Fish and Wildlife Area (33)

Peoria/Fulton Counties

- | | |
|--------------------------------------|---|
| Recreational Use Restrictions | - All live bait >in excess of 8" must be rigged with a quick set rig (43) |
| All Fish | - 2 Pole and Line Fishing Only (1) (34) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass (14) | - 3 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 12"-18" Protected Slot Length Limit (no possession) |
| Pure Muskellunge | - 42" Minimum Length Limit |
| White, Black, or Hybrid Crappie (15) | - 25 Fish Daily Creel Limit |
| White, Black, or Hybrid Crappie | - 9" Minimum Length Limit |

Bass Lake, DuPage County Forest Preserve District

DuPage County

- | | |
|---------------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 3 Fish Daily Creel Limit |
| Channel Catfish | - 12" Minimum Length Limit |
| Large or Smallmouth Bass | - 18" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |
| White, Black, or Hybrid Crappie | - 9" Minimum Length Limit |

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- White, Black, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit
- Batchtown Wildlife Management Area (19)
Calhoun County
- Baumann Park Lake, City of Cherry Valley
Winnebago County
- All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 14" Minimum Length Limit
 - Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
- Beall Woods Lake, Beall Woods Conservation Area
Wabash County
- All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 15" Minimum Length Limit
 - Trout - Spring Closed Season (11)
 - Trout - Fall Closed Season (10)
- Beaver Dam Lake, Beaver Dam State Park
Macoupin County
- All Fish - 2 Pole and Line Fishing Only (1)
 - Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 15" Minimum Length Limit
 - Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
 - Trout - Fall Closed Season (10)
 - White, Black, or Hybrid Crappie (15) - 10 Fish Daily Creel Limit
 - White, Black, or Hybrid Crappie - 9" Minimum Length Limit
- Beck Lake, Cook County Forest Preserve District
Cook County
- All Fish - 2 Pole and Line Fishing Only (1) (36)
 - Bluegill, Redear, or Pumpkinseed
Sunfish (14) - 15 Fish Daily Creel Limit
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 14" Minimum Length Limit
 - Walleye, Sauger, or Hybrid Walleye - 18" Minimum Length Limit

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White, Black, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

Belk Park Pond, City of Wood River

Madison County

All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 18" Minimum Length Limit
 Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Belleau Lake, Cook County Forest Preserve District

Cook County

All Fish - 2 Pole and Line Fishing Only (1) (36)
 Bluegill, Redear, or Pumpkinseed - 15 Fish Daily Creel Limit
 Sunfish (14)
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Trout - Fall Closed Season (10)
 Trout - Spring Closed Season (11)
 White, Black, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

Belvidere Ponds, City of Belvidere

Boone County

Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

Bevier Lagoon, Waukegan Park District

Lake County

All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Bird Park Quarry, City of Kankakee

Kankakee County

Trout - Fall Closed Season (10)
 Trout - Spring Closed Season (11)

Bloomington Park District Lakes (Anglers Lake, Holiday Lake, Miller Park Lake, Tipton Lake and White Oaks Lake)

McLean County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 3 Fish Daily Creel Limit

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<u>Large or Smallmouth Bass</u>	<u>- 15" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	<u>- 3 Fish Daily Creel Limit</u>

Blue Pond, Boone County Conservation District
Boone County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

Borah Lake, City of Olney
Richland County

All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 25 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit

Boston Pond, Stephen A. Forbes State Park
Marion County

Trout	- Fall Closed Season (10)
Trout	- Spring Closed Season (11)

Bowen Lake, City of Washington
Tazewell County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 12"-15" Protected Slot Length Limit (no possession)
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit

Braidwood Lake, Braidwood State Fish and Wildlife Area (41)
Will County

Recreational Use Restrictions	- Braidwood Lake is closed to all fishing and boat traffic, except for legal waterfowl hunters, from 10 days prior to duck season through the day before duck season and is closed to all fishing during waterfowl season commencing with regular duck season through the close of
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the Canada goose and regular duck season

All Fish	- 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass	- 18" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
<u>Striped, White or Hybrid Striped Bass (16)</u>	<u>- 10 Creel/3 Fish 17" or Longer Daily (17)</u>
White, Black or Hybrid Crappie (15)	-10 Fish Daily Creel Limit

Breeze JC's Park Pond, City of Breeze
Clinton County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit

Buckner City Reservoir, City of Buckner
Franklin County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit

Bullfrog Lake, Cook County Forest Preserve District
Cook County

All Fish	- 2 Pole and Line Fishing Only (1) (36)
Large or Smallmouth Bass	- 14" Minimum Length Limit
Bluegill, Redear, or Pumpkinseed Sunfish (14)	- 15 Fish Daily Creel Limit
White, Black, or Hybrid Crappie (15)	- 15 Fish Daily Creel Limit

Bunker Hill Lake, City of Bunker Hill
Macoupin County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit

Burrells Wood Park Pond
White County

Channel Catfish	- 6 Fish Daily Creel Limit
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Busse Lake, Cook County Forest Preserve

Cook County

- | | | |
|--|---|---|
| | Recreational Use Restrictions | - All live bait >in excess of 8" must be rigged with a quick set rig (43) |
| | All Fish | - 2 Pole and Line Fishing Only (1) (36) |
| | Bluegill, Redear, or Pumpkinseed Sunfish (14) | - 15 Fish Daily Creel Limit |
| | Channel Catfish | - 6 Fish Daily Creel Limit |
| | Large or Smallmouth Bass | - 14" Minimum Length Limit |
| | Walleye, Sauger, or Hybrid Walleye | - 18" Minimum Length Limit |
| | White, Black, or Hybrid Crappie (15) | - 15 Fish Daily Creel Limit |

Cache River State Natural Area

Pulaski/Johnson Counties

- | | |
|-------------------------------|--|
| Recreational Use Restrictions | - Waterfowl Refuge or Hunting Area; no fishing in Nature Preserves – Section 8 Woods, Heron Pond/Little Black Slough |
| All Fish | - 2 Pole and Line Fishing Only (1) (5) |
| All Fish | - No Seines |

Calhoun Point Wildlife Management Area (19)

Calhoun County

Calumet River

Cook County

- | | |
|--------------|-----------------------------|
| Yellow Perch | - 15 Fish Daily Creel Limit |
| Yellow Perch | - Closed During July |

Campbell Pond Wildlife Management Area (19)

Jackson County

Campus Lake – Southern Illinois University, State of Illinois

Jackson County

- | | |
|-----------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |

Campus Pond – Eastern Illinois University, State of Illinois

Coles County

- | | |
|----------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
|----------|------------------------------------|

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Channel Catfish	- 6 Fish Daily Creel Limit
Trout	- Fall Closed Season (10)
Trout	- Spring Closed Season (11)
Canton Lake, City of Canton	
Fulton County	
Recreational Use Restrictions	- All live bait ≥in excess of 8" must be rigged with a quick set rig (43)
All Fish	- 2 Pole and Line Fishing Only (1)
Channel or Blue Catfish (14)	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Pure Muskellunge	- 42" Minimum Length Limit
Carbondale City Reservoir, City of Carbondale	
Jackson County	
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Carlinville Lake #1, City of Carlinville	
Macoupin County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Carlinville Lake #2, City of Carlinville	
Macoupin County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Carlton Silt Basin, State of Illinois	
Whiteside County	
All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish	- 8" Minimum Length Limit
Bluegill or Redear Sunfish (14)	- 10 Fish Daily Creel Limit
Large or Smallmouth Bass	- Catch and Release Fishing Only (9)
Carlyle Lake, U.S. Army Corps of Engineers (20) (33)	
Clinton/Bond/Fayette Counties	
Large or Smallmouth Bass	- 14" Minimum Length Limit

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- White, Black, or Hybrid Crappie (15) - 10 Fish Daily Creel Limit
 White, Black, or Hybrid Crappie - 10" Minimum Length Limit

Carthage Lake, City of Carthage
 Hancock County

- All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Casey Park Pond, City of Casey
 Clark County

- All Fish - 2 Pole and Line Fishing Only (1)
 Bluegill or Redear Sunfish (14) - 15 Fish Daily Creel Limit of which only 5
 fish ~~≥~~over 8" are allowed
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 18" Minimum Length Limit
 Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Casters Pond, Boone County Conservation District
 Boone County

- All Fish - 2 Pole and Line Fishing Only
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Cedar Lake and Little Cedar Lake, U.S. Forest Service and City of Carbondale
 Jackson County

- All Fish - 2 Pole and Line Fishing Only (1) (5)
 Large or Smallmouth Bass - 14"-18" Protected Slot Length Limit (no
 possession)
 Large or Smallmouth Bass (14) - 5 Fish ~~≤~~Under 14" and 1 Fish ~~≥~~over 18"
 Daily Creel Limit (38)
 Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
 Striped, White, or Hybrid Striped Bass - 3 Fish Daily Creel Limit
 (16)
 White, Black, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit

Centennial Park Pond, Coloma Township Park District
Whiteside County

- Trout - Fall Closed Season (10)

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Trout- Spring Closed Season (11)

Centralia Foundation Park Catfish Pond, Centralia Park Foundation

Marion County

All Fish - 2 Pole and Line Fishing Only (1)

Channel Catfish - 6 Fish Daily Creel Limit

Centralia Lake, City of Centralia

Marion County

Large or Smallmouth Bass - 15" Minimum Length Limit

Cermack Quarry, Cook County Forest Preserve District

Cook County

All Fish - 2 Pole and Line Fishing Only (1) (36)

Bluegill, Redear, or Pumpkinseed - 15 Fish Daily Creel Limit

Sunfish (14)

Channel Catfish - 6 Fish Daily Creel Limit

Large or Smallmouth Bass - 14" Minimum Length Limit

White, Black, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

Champaign Park District Lakes (Kaufman Lake, Heritage Lake, and Mattis Lake), Champaign Park District

Champaign County

All Fish - 2 Pole and Line Fishing Only (1)

Channel Catfish - 6 Fish Daily Creel Limit

Large or Smallmouth Bass - 15" Minimum Length Limit

Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Charleston Lower Channel Lake, City of Charleston

Coles County

All Fish - 2 Pole and Line Fishing Only (1) (5) (36)

Charleston Side Channel Lake, City of Charleston

Coles County

All Fish - 2 Pole and Line Fishing Only (1) (5)

Channel Catfish - 6 Fish Daily Creel Limit

Large or Smallmouth Bass - 14" Minimum Length Limit

Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit

Striped, White, or Hybrid Striped Bass - 3 Fish Daily Creel Limit

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(16)

White, Black or Hybrid Crappie (15) - 10 Fish Daily Creel Limit for Fish ~~<Under~~ 10"; 10 Fish Daily Creel Limit for Fish ~~>~~ 10" ~~and Longer~~ (23)

Charlie Brown Lake & Pond, City of Flora

Clay County

All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

Charter Oak North – Peoria Park District Lake, Peoria Park District

Peoria County

All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Charter Oak South – Peoria Park District Pond, Peoria Park District

Peoria County

All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Chautauqua Lake North and South Pools, U.S. Fish and Wildlife Service

Mason County

Recreational Use Restrictions - Lake Chautauqua North and South Pools will be closed to boat fishing from October 15 through January 14
 - Bank fishing will be allowed in selected areas only
 - Ice fishing will be allowed following the January 15 reopening
 Largemouth Bass - 12" Minimum Length Limit

Chenoa City Lake, City of Chenoa

McLean County

All Fish - 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Channel Catfish - 6 Fish Daily Creel Limit
- Chicago River (including its North Branch, South Branch, and the North Shore Channel)
Cook County
- Yellow Perch - 15 Fish Daily Creel Limit
Yellow Perch - Closed During July
- Christopher Old City Lake, City of Christopher
Franklin County
- All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
- Citizen's Lake, City of Monmouth
Warren County
- All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14) - 6 Fish Daily Creel Limit
1 Fish ~~≥~~Over 15" and 5 Fish ~~≤~~under 12"
Daily Creel Limit (12)
Trout - Fall Closed Season (10)
- Clear Lake, Kickapoo State Park
Vermilion County
- All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
~~Large or Smallmouth Bass~~ - ~~14" Minimum Length Limit~~
Large or Smallmouth Bass (14) - 12" to 15" Protected Slot Length Limit (no possession); 3 Fish Daily Creel Limit of which no more than 1 fish may be > 15" and no more than 2 may be < 12" (31)
Trout - Fall Closed Season (10)
Trout - Spring Closed Season (11)
- Clinton Lake, Clinton Lake State Recreation Area
DeWitt County
- All Fish - 2 Pole and Line Fishing Only (1) (18) (36)
Large or Smallmouth Bass - 16" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- | | |
|--|--|
| Striped, White, or Hybrid Striped Bass
(16) | - 10 Creel/3 Fish 17" or Longer Daily (17) |
| White, Black, or Hybrid Crappie (15) | - 15 Fish Daily Creel Limit |
| White, Black, or Hybrid Crappie | - 9" Minimum Length Limit |

Coffeen Lake, Coffeen Lake State Fish and Wildlife Area

Montgomery County

- | | |
|--|--|
| Channel Catfish | - All jugs must be attended at all times while fishing (2) |
| Large or Smallmouth Bass (14) | - 1 Fish \geq 15" and 2 Fish < 15" daily (25) |
| White, Black, or Hybrid Crappie (15) | - 10 Fish Daily Creel Limit |
| White, Black, or Hybrid Crappie | - 10" Minimum Length Limit |
| Striped, White, or Hybrid Striped Bass | - 17" Minimum Length Limit |
| Striped, White, or Hybrid Striped Bass
(16) | - 3 Fish Daily Creel Limit |

Coles County Airport Lake, Coles County Airport

Coles County

- | | |
|--------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |

~~Coleta Trout Pond, State of Illinois~~~~Whiteside County~~

- | | |
|------------------|--|
| Trout | - Fall Closed Season (10) |
| Trout | - Spring Closed Season (11) |

Columbus Park Lagoon, Chicago Park District

Cook County

- | | |
|-----------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 4 Fish Daily Creel Limit |

Commissioners Park Pond, Alsip Park District

Cook County

- | | |
|-----------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |

Conservation World Ponds, Illinois State Fairgrounds

Sangamon County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Fishing by special permit only for senior groups, children's groups or group guests of the Director. Apply for permit by writing to: Department of Natural Resources, Division of Fisheries, One Natural Resources Way, Springfield IL 62702

Cook Co. Forest Preserve District Lakes, Cook County Forest Preserve District

Cook County

- All Fish - 2 Pole and Line Fishing Only (1) (36)
- Bluegill, Redear, or Pumpkinseed - 15 Fish Daily Creel Limit
- Sunfish (14)
- Large or Smallmouth Bass - 14" Minimum Length Limit
- Walleye, Sauger, or Hybrid Walleye - 18" Minimum Length Limit
- White, Black, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

Coulterville City Lake, City of Coulterville

Randolph County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Crab Orchard National Wildlife Refuge – Crab Orchard Lake, U.S. Fish and Wildlife Service

Williamson County

- All Fish - 2 Pole and Line Fishing Only (1) (4)
- Large or Smallmouth Bass - 16" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Crab Orchard National Wildlife Refuge – Devil's Kitchen Lake, U.S. Fish and Wildlife Service

Williamson County

- All Fish - 2 Pole and Line Fishing Only (1)

Crab Orchard National Wildlife Refuge – Little Grassy Lake, U.S. Fish and Wildlife Service

Williamson County

- All Fish - 2 Pole and Line Fishing Only (1) (5)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 12-15" Slot Length Limit (3)

Crab Orchard National Wildlife Refuge – Visitors Pond

Williamson County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 18" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Large or Smallmouth Bass (14)- 1 Fish Daily Creel Limit

Crab Orchard National Wildlife Refuge Restricted Use Area Ponds (30) and Crab Orchard National Wildlife Refuge – All Other Ponds, U.S. Fish and Wildlife Service

Williamson County

- | | |
|--------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |

Crawford Co. Cons. Area – Picnic Pond, Crawford County Conservation Area

Crawford County

- | | |
|--------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Trout | - Fall Closed Season (10) |

Crawford Co. Cons. Area Ponds, Crawford County Conservation Area

Crawford County

- | | |
|--------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |

Crull Impoundment Wildlife Management Area (33)

Jersey County

Crystal Lake, Urbana Park District

Champaign County

- | | |
|---------------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 3 Fish Daily Creel Limit |
| <u>Large or Smallmouth Bass</u> | <u>- 14" Minimum Length Limit</u> |

Cypress Creek National Wildlife Refuge – All Ponds, U.S. Fish and Wildlife Service

Johnson/Pulaski/Union Counties

- | | |
|--------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |

Cypress Creek National Wildlife Refuge – Cache River from Rt. 37 to Rt. 51 in Ullin, U.S. Fish and Wildlife Service

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Johnson/Pulaski Counties

- All Fish - 2 Pole and Line Fishing Only (1)
All Fish - No Seines

Dawson Lake & Park Ponds, Moraine View State ParkMcLean County

- All Fish - 2 Pole and Line Fishing Only (1) (44)
Bluegill or Redear Sunfish (14) - 15 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Walleye, Sauger, or Hybrid Walleye (14) - 6 Fish Daily Creel Limit
White, Black or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

Decatur Park Dist. Ponds, City of DecaturMacon County

- All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit (except for Fairview Park – Dreamland Pond, which has a 3 Fish Daily Creel Limit)

Deep Quarry Lake, DuPage County Forest Preserve DistrictDuPage County

- All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 3 Fish Daily Creel Limit
Channel Catfish - 12" Minimum Length Limit
Large or Smallmouth Bass - 18" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
Walleye, Sauger, or Hybrid Walleye - 16" Minimum Length Limit
Walleye, Sauger, or Hybrid Walleye (14) - 3 Fish Daily Creel Limit
White, Black, or Hybrid Crappie - 9" Minimum Length Limit
White, Black, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

Defiance Lake, Moraine Hills State ParkMcHenry County

- All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Des Plaines River Basin (Hoffman Dam to 47th Street Bridge, including tributaries)Cook County

<u>Channel Catfish</u>	- <u>15" Minimum Length Limit</u>
<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	- <u>Catch and Release Only – No Harvest Permitted (9)</u>
<u>Northern Pike</u>	- <u>30" Minimum Length Limit</u>
<u>Northern Pike</u>	- <u>1 Fish Daily Creel Limit</u>
<u>White, Black or Hybrid Crappie (15)</u>	- <u>10 Fish Daily Creel Limit</u>
<u>Walleye, Sauger, or Hybrid Walleye</u>	- <u>18" Minimum Length Limit</u>
<u>Walleye, Sauger, or Hybrid Walleye (14)</u>	- <u>1 Fish Daily Creel Limit</u>

Diamond Lake, City of MundeleinLake County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	- <u>15" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	- <u>3 Fish Daily Creel Limit</u>

Dieterich Park Pond, City of DieterichEffingham County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	- <u>3 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	- <u>15" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	- <u>1 Fish Daily Creel Limit</u>

Dolan Lake, Hamilton County Conservation AreaHamilton County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Bluegill or Redear Sunfish (14)</u>	- <u>25 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	- <u>18" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	- <u>1 Fish Daily Creel Limit</u>

Donnelley State Wildlife Area (33)Bureau CountyDouble "T" State Fish and Wildlife Area, State of IllinoisFulton County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Recreational Use Restrictions

- Waterfowl Refuge or Hunting Area (all use other than waterfowl hunting is prohibited from October 1 through the end of the central zone Canada goose season)

- All live bait ~~>in excess of~~ 8" must be rigged with a quick set rig (43)

All Fish

- 2 Pole and Line Fishing Only (1)

Bluegill or Redear Sunfish (14)

- 25 Fish Daily Creel Limit

Channel or Blue Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 21" Minimum Length Limit

Large or Smallmouth Bass (14)

- 1 Fish Daily Creel Limit

Pure Muskellunge

- 42" Minimum Length Limit

White, Black, or Hybrid Crappie

- 10" Minimum Length Limit

White, Black, or Hybrid Crappie (15)

- 25 Fish Daily Creel Limit

Douglas Park Lagoon, Chicago Park DistrictCook CountyAll Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 4 Fish Daily Creel Limit

DuPage County Forest Preserve District Lakes and Ponds (excluding Bass Lake, Deep Quarry Lake, and Grove Lake), DuPage County Forest Preserve DistrictDuPage CountyAll Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

Channel Catfish

- 12" Minimum Length Limit

Large or Smallmouth Bass

- 15" Minimum Length Limit

Large or Smallmouth Bass (14)

- 3 Fish Daily Creel Limit

Walleye, Sauger, or Hybrid Walleye

- 16" Minimum Length Limit

Walleye, Sauger, or Hybrid Walleye (14)

- 3 Fish Daily Creel Limit

White, Black or Hybrid Crappie

- 9" Minimum Length Limit

White, Black or Hybrid Crappie (15)

- 15 Fish Daily Creel Limit

DuPage River – West Branch (between the dams located in the McDowell Grove Forest Preserve and the Warrenville Grove Forest Preserve)DuPage CountyLarge or Smallmouth Bass

- Catch and Release Fishing Only (9)

DuQuoin City Lake, City of DuQuoin

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Perry County

<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Bluegill or Redear Sunfish (14)</u>	- <u>25 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	- <u>14"-18" Protected Slot Length Limit (no possession) (38)</u>
<u>Large or Smallmouth Bass (14)</u>	- <u>5 Fish <under 14" and 1 Fish >over 18" Daily Creel Limit</u>
<u>White, Black, or Hybrid Crappie (15)</u>	- <u>25 Fish Daily Creel Limit</u>

East Fork Lake, City of OlneyRichland County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Bluegill or Redear Sunfish (14)</u>	- <u>25 Fish Daily Creel Limit</u>
<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	- <u>15" Minimum Length Limit</u>
<u>White, Black, or Hybrid Crappie (15)</u>	- <u>25 Fish Daily Creel Limit</u>

Eldon Hazlet State Park (See Also Carlyle Lake)Clinton CountyElkville City Reservoir, City of ElkvilleJackson County

<u>Large or Smallmouth Bass</u>	- <u>15" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	- <u>3 Fish Daily Creel Limit</u>

Elliott Lake, Wheaton Park DistrictDuPage County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	- <u>3 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass (14)</u>	- <u>15" Minimum Length Limit</u>

Emiquon Preserve – Thompson LakeFulton County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Black, White, or Hybrid Crappie</u>	- <u>9" Minimum Length Limit</u>
<u>Black, White, or Hybrid Crappie (15)</u>	- <u>25 Fish Daily Creel Limit</u>
<u>Bluegill, Redear, Pumpkin Seed, Green, or Orange Spotted Sunfish and Hybrid</u>	

DEPARTMENT OF NATURAL RESOURCES

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<u>Sunfish (14)</u>	<u>- 25 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	<u>- 18" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	<u>- 1 Fish Daily Creel Limit</u>
<u>Walleye, Sauger, or Hybrid Walleye</u>	<u>- 14" Minimum Length Limit</u>
<u>Walleye, Sauger, or Hybrid Walleye (14)</u>	<u>- 6 Fish Daily Creel Limit</u>

Evergreen Lake, City of BloomingtonMcLean County

<u>Recreational Use Restrictions</u>	<u>- All live bait >in excess of 8" must be rigged with a quick set rig (43)</u>
<u>All Fish</u>	<u>- 2 Pole and Line Fishing Only (1) (5)</u>
<u>Large or Smallmouth Bass</u>	<u>- 15" Minimum Length Limit</u>
<u>Pure Muskellunge</u>	<u>- 48" Minimum Length Limit (40)</u>
<u>White, Black, or Hybrid Crappie (15)</u>	<u>- 15 Fish Daily Creel Limit</u>

Fairgrounds Pond – Fort Massac State Park, State of IllinoisMassac County

<u>Trout</u>	<u>- Fall Closed Season (10)</u>
<u>Trout</u>	<u>- Spring Closed Season (11)</u>

Fairview Park – Dreamland Pond, City of DecaturMacon County

<u>All Fish</u>	<u>- 2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	<u>- 3 Fish Daily Creel Limit</u>

Ferne Clyffe Lake, Ferne Clyffe State ParkJohnson County

<u>All Fish</u>	<u>- 2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	<u>- 6 Fish Daily Creel Limit</u>
<u>Trout</u>	<u>- Fall Closed Season (10)</u>
<u>Trout</u>	<u>- Spring Closed Season (11)</u>

Flatfoot Lake, Cook County Forest Preserve DistrictCook County

<u>All Fish</u>	<u>- 2 Pole and Line Fishing Only (1) (36)</u>
<u>Bluegill, Redear, or Pumpkinseed</u>	<u>- 15 Fish Daily Creel Limit</u>
<u>Sunfish (14)</u>	
<u>Channel Catfish</u>	<u>- 6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	<u>- 14" Minimum Length Limit</u>

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

White, Black, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

Fletcher Park Pond, City of Mt. ZionMacon County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 3 Fish Daily Creel Limit
Bluegill or Redear Sunfish (14) - 5 Fish Daily Creel Limit
Large or Smallmouth Bass - 18" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Foli Park Pond, Village of PlanoKendall County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Forbes State Lake, Stephen A. Forbes State Park (including Forbes State Lake tailwaters and that portion of Lost Fork Creek within Stephen A. Forbes State Park)Marion County

Recreational Use Restrictions - All live bait ~~>in excess of~~ 8" must be rigged with a quick set rig (43)
All Fish - 2 Pole and Line Fishing Only (1) (5)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Pure Muskellunge - 48" Minimum Length (40)
Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
Striped, White, or Hybrid Striped Bass (16) - 3 Fish Daily Creel Limit

Forbes State Park Ponds, Stephen A. Forbes State ParkMarion County

All Fish - 2 Pole and Line Fishing Only (1) (5)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Forest Park Lagoon, City of ShelbyvilleShelby County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Trout - Fall Closed Season (10)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Trout - Spring Closed Season (11)

Four Lakes, Winnebago County Forest PreserveWinnebago County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
Trout - Spring Closed Season (11)

Fox Chain O'Lakes (including the Fox River south of the Wisconsin-Illinois boundary to the Algonquin Dam and the Nippersink Creek upstream to the Wilmot Road Bridge) (6) (Applies to Grass Lake and Nippersink Lake State Managed Blind Areas Only), State of Illinois

Lake and McHenry Counties

Recreational Use Restrictions - All live bait ~~>in excess of~~ 8" must be rigged with a quick set rig (43)
All Fish - 2 Pole and Line Fishing Only (1) only on State Park property bordering the Fox River and Grass Lake
Large or Smallmouth Bass - 14" Minimum Length Limit (6)
Large or Smallmouth Bass (14) - 6 Fish Daily Creel Limit of which no more than 3 can be Smallmouth Bass
Pure Muskellunge - 48" Minimum Length Limit (40)
Smallmouth Bass - All fish must be immediately released between April 1 and June 15
Walleye, Sauger, or Hybrid Walleye - 14" Minimum Length Limit with an 18-24" Protected Slot Length Limit (no possession) (6)
Walleye, Sauger, or Hybrid Walleye (14) - 4 Fish " Daily Creel Limit of which only 1 can be > 24" (35)

Fox Ridge State Park (see also Hurricane Pond, Wilderness Pond and Ridge Lake)Coles County

Fox River, Algonquin Dam to confluence with the Illinois River, including tributaries, State of Illinois

Multiple Counties

Smallmouth Bass - 1 Fish 12" ~~>or over~~ and 2 Fish ~~<under~~ 12" Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Fox River (at Moraine Hills State Park and Dam and on Bolger Lock and Dam Properties), State of IllinoisMcHenry CountyAll Fish

- 2 Pole and Line Fishing Only (1) on Moraine Hills State Park and Dam property and on property at the Bolger Lock and Dam along the Fox River

Fox River Marina, Lake County Forest PreserveLake CountyAll Fish

- 2 Pole and Line Fishing Only; Bank Fishing Only (in areas designated by Lake County Forest Preserve District

Fox Valley Park District Lakes and Ponds (except Jericho Lake and Lake Gregory), Fox Valley Park DistrictKane and DuPage CountiesAll Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 15" Minimum Length Limit

Large or Smallmouth Bass (14)

- 3 Fish Daily Creel Limit

Frank Holten Lakes, Frank Holten State ParkSt. Clair CountyAll Fish

- 2 Pole and Line Fishing Only (1) (5)

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 14" Minimum Length Limit

Trout

- Fall Closed Season (10)

Trout

- Spring Closed Season (11)

Franklin Creek (within the boundaries of Franklin Creek State Natural Area)Lee CountyAll Fish

- 2 Pole and Line Fishing Only (1)

Franklin Creek Mill Pond – Franklin Creek State Park, State of IllinoisLee CountyAll Fish

- 2 Pole and Line Fishing Only (1)

Large or Smallmouth Bass

- 15" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Fuller Lake (19)

Calhoun County

Fulton County Camping and Recreation Area Waters, Fulton County Board

Fulton County

<u>Recreational Use Restrictions</u>	- <u>All live bait >in excess of 8" must be rigged with a quick set rig (43)</u>
<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	- <u>12"-15" Protected Slot Length Limit (no possession)</u>
<u>Large or Smallmouth Bass (14)</u>	- <u>3 Fish Daily Creel Limit</u>
<u>Bluegill or Redear Sunfish (14)</u>	- <u>25 Fish Daily Creel Limit</u>

Gages Lake, Wildwood Park District

Lake County

<u>Large or Smallmouth Bass</u>	- <u>15" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	- <u>3 Fish Daily Creel Limit</u>
<u>Walleye, Sauger, or Hybrid Walleye</u>	- <u>16" Minimum Length Limit</u>
<u>Walleye, Sauger, or Hybrid Walleye (14)</u>	- <u>3 Fish Daily Creel Limit</u>

Garfield Park Lagoon, Chicago Park District

Cook County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	- <u>4 Fish Daily Creel Limit</u>

Gebhard Woods Pond, Gebhard Woods State Park

Grundy County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	- <u>15" Minimum Length Limit</u>
<u>Trout</u>	- <u>Spring Closed Season (11)</u>

Germantown Lake, City of Germantown

Clinton County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Bluegill or Redear Sunfish (14)</u>	- <u>15 Fish Daily Creel Limit</u>

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

<u>Channel Catfish</u>	<u>- 6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	<u>- 18" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	<u>- 1 Fish Daily Creel Limit</u>
<u>Giant City Park Ponds, Giant City State Park</u>	
<u>Jackson and Union Counties</u>	
<u>All Fish</u>	<u>- 2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	<u>- 6 Fish Daily Creel Limit</u>
<u>Largemouth and Spotted Bass</u>	<u>- 15" Minimum Length Limit</u>
<u>Gillespie New City Lake, City of Gillespie</u>	
<u>Macoupin County</u>	
<u>All Fish</u>	<u>- 2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	<u>- 6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	<u>- 12-15" Slot Length Limit (3)</u>
<u>Large or Smallmouth Bass (14)</u>	<u>- 3 Fish Daily Creel Limit</u>
<u>Gillespie Old City Lake, City of Gillespie</u>	
<u>Macoupin County</u>	
<u>All Fish</u>	<u>- 2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	<u>- 6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	<u>- 15" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	<u>- 3 Fish Daily Creel Limit</u>
<u>Glades – 12 Mile Island Wildlife Management Area (19)</u>	
<u>Jersey County</u>	
<u>Gladstone Lake, Henderson County Conservation Area</u>	
<u>Henderson County</u>	
<u>All Fish</u>	<u>- 2 Pole and Line Fishing Only (1)</u>
<u>Bluegill or Redear Sunfish (14)</u>	<u>- 10 Fish Daily Creel Limit</u>
<u>Channel or Blue Catfish (14)</u>	<u>- 6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass (14)</u>	<u>- 1 Fish \geq 15" and/or 2 < 12" Daily (31)</u>
<u>Glen Oak Park Lagoon, Peoria Park District</u>	
<u>Peoria County</u>	
<u>All Fish</u>	<u>- 2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	<u>- 6 Fish Daily Creel Limit</u>

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Glen Shoals Lake, City of HillsboroMontgomery County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1) (5)</u>
<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	- <u>15" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	- <u>1 Fish Daily Creel Limit</u>
<u>Striped, White, or Hybrid Striped Bass</u>	- <u>17" Minimum Length Limit</u>
<u>Striped, White, or Hybrid Striped Bass (16)</u>	- <u>3 Fish Daily Creel Limit</u>

Godar-Diamond/Hurricane Island Wildlife Management Area (19)Calhoun CountyGompers Park Lagoon, Chicago Park DistrictCook County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	- <u>4 Fish Daily Creel Limit</u>

Gordon F. More Park Lake, City of AltonMadison County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Bluegill or Redear Sunfish (14)</u>	- <u>25 Fish Daily Creel Limit</u>
<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	- <u>15" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	- <u>3 Fish Daily Creel Limit</u>

Governor Bond Lake, City of GreenvilleBond County

<u>Channel Catfish</u>	- <u>All jugs must be attended at all times while fishing (2)</u>
<u>Large or Smallmouth Bass</u>	- <u>15" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	- <u>3 Fish Daily Creel Limit</u>
<u>Striped, White, or Hybrid Striped Bass</u>	- <u>17" Minimum Length Limit</u>
<u>Striped, White, or Hybrid Striped Bass (16)</u>	- <u>3 Fish Daily Creel Limit</u>
<u>White, Black, or Hybrid Crappie (15)</u>	- <u>25 Fish Daily Creel Limit</u>

Grayslake Park District (Grayslake and Park Ponds), City of GrayslakeLake County

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<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	- <u>15" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	- <u>3 Fish Daily Creel Limit</u>

Greenfield City Lake, City of Greenfield
Greene County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Bluegill or Redear Sunfish (14)</u>	- <u>25 Fish Daily Creel Limit</u>
<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	- <u>12"-15" Protected Slot Length Limit (no possession)</u>
<u>Large or Smallmouth Bass</u>	- <u>5 Fish <Under 12" and 1 Fish >Over 15" Daily Creel Limit</u>

Greenville Old City Lake, Kingsbury Park District
Bond County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Trout</u>	- <u>Fall Closed Season (10)</u>
<u>Large or Smallmouth Bass</u>	- <u>15" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	- <u>3 Fish Daily Creel Limit</u>

Grove Lake, DuPage County Forest Preserve District
DuPage County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	- <u>3 Fish Daily Creel Limit</u>
<u>Channel Catfish</u>	- <u>12" Minimum Length Limit</u>
<u>Large or Smallmouth Bass</u>	- <u>18" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	- <u>1 Fish Daily Creel Limit</u>
<u>White, Black, or Hybrid Crappie</u>	- <u>9" Minimum Length Limit</u>
<u>White, Black, or Hybrid Crappie (15)</u>	- <u>15 Fish Daily Creel Limit</u>

Hanover Lake – Apple River Canyon State Park, State of Illinois
Jo Daviess County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Bluegill or Redear Sunfish (14)</u>	- <u>25 Fish Daily Creel Limit</u>
<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	- <u>14" Minimum Length Limit</u>

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Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Harrisburg New City Reservoir, City of HarrisburgSaline County

All Fish - 2 Pole and Line Fishing Only (1)

Channel Catfish - 6 Fish Daily Creel Limit

Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit

Striped, White or Hybrid Striped Bass - 3 Fish Daily Creel Limit

(16)

Heidecke Lake, Heidecke Lake State Fish and Wildlife AreaGrundy County (41)Recreational Use Restrictions

- Heidecke Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 10 days prior to duck season through the day before duck season and is closed to all fishing during waterfowl season commencing with regular duck season through the close of the Canada goose and regular duck season

- All live bait ~~>in excess of~~ 8" must be rigged with a quick set rig (43)

All Fish - 2 Pole and Line Fishing Only (1)

Black, White, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

Channel Catfish - 6 Fish Daily Creel Limit

Large or Smallmouth Bass (14) - 12" to 18" Protected Slot (no possession); 1 ~~>over~~ 18" and 2 ~~<under~~ 12" Daily Creel Limit (46)

Pure Muskellunge - 48" Minimum Length Limit

Striped, White, or Hybrid Striped Bass - 10 Creel/3 Fish 17" or Longer Daily (17)

(16)

Walleye, Sauger, or Hybrid Walleye - 16" Minimum Length Limit

Walleye, Sauger, or Hybrid Walleye (14) - 3 Fish Daily Creel Limit

Helmbold Slough (19)Calhoun CountyHenderson Creek State Fish and Wildlife AreaHenderson County

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Recreational Use Restrictions

- It shall be unlawful to trespass upon a designated waterfowl hunting area during the 7 days prior to regular duck season or to fish on such areas during the regular duck season except in areas posted as open to fishing; it shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from 2 weeks prior to the start of the regular duck season through the end of duck and Canada Goose season (33)

Hennepin Canal – Mainline & Feeder, Hennepin Canal Parkway State ParkMultiple CountiesAll Fish- 2 Pole and Line Fishing Only (1) (13)Large or Smallmouth Bass- 14" Minimum Length LimitTrout- Fall Closed Season (10)Trout- Spring Closed Season (11)Hennepin-Hopper Lakes, The Wetlands InitiativePutnam CountyRecreational Use Restrictions

- All live bait ~~>in excess of~~ 8" must be rigged with a quick set rig (43)

All Fish- 2 Pole and Line Fishing Only (1)Black, White or Hybrid Crappie- 9" Minimum Length LimitBlack, White or Hybrid Crappie (15)- 25 Fish Daily Creel LimitChannel Catfish- 6 Fish Daily Creel LimitLarge or Smallmouth Bass- 15" Minimum Length LimitLarge or Smallmouth Bass (14)- 3 Fish Daily Creel LimitPure Muskellunge- 42" Minimum Length LimitWalleye, Sauger or Hybrid Walleye- 18" Minimum Length LimitWalleye, Sauger or Hybrid Walleye (14)- 3 Fish Daily Creel LimitHerrin Lake #1, City of HerrinWilliamson CountyAll Fish- 2 Pole and Line Fishing Only (1)Channel Catfish- 6 Fish Daily Creel LimitLarge or Smallmouth Bass- 15" Minimum Length LimitLarge or Smallmouth Bass (14)- 3 Fish Daily Creel Limit

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Herrin Lake #2, City of HerrinWilliamson County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	- <u>15" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	- <u>3 Fish Daily Creel Limit</u>

Hidden Springs State Forest Pond, Hidden Springs State ForestShelby County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Bluegill or Redear Sunfish (14)</u>	- <u>10 Fish Daily Creel Limit</u>
<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	- <u>18" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	- <u>1 Fish Daily Creel Limit</u>

Highland Old City Lake, City of HighlandMadison County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	- <u>15" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	- <u>3 Fish Daily Creel Limit</u>
<u>Trout</u>	- <u>Fall Closed Season (10)</u>

Hillsboro Old City Lake, City of HillsboroMontgomery County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	- <u>12-15" Slot Length Limit</u>

Homer Guthrie Pond – Eldon Hazlet State Park, State of IllinoisClinton County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Bluegill or Redear Sunfish (14)</u>	- <u>10 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	- <u>18" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	- <u>1 Fish Daily Creel Limit</u>

Homer Lake, Champaign County Forest Preserve District

DEPARTMENT OF NATURAL RESOURCES

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Champaign County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	- <u>14" Minimum Length Limit</u>
<u>White, Black, or Hybrid Crappie</u>	- <u>9" Minimum Length Limit</u>
<u>White, Black, or Hybrid Crappie (15)</u>	- <u>25 Fish Daily Creel Limit</u>

Hormel Pond, Donnelly State Fish and Wildlife AreaBureau County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1) (5)</u>
<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	- <u>14" Minimum Length Limit</u>

Horseshoe Lake – Alexander Co., Horseshoe Lake Conservation AreaAlexander County

<u>Recreational Use Restrictions</u>	- <u>Only trolling motors in refuge from October 15-March 1</u>
<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1) (5)</u>
<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	- <u>14" Minimum Length Limit</u>

Horseshoe Lake – Madison County, Horseshoe Lake State Park (19)Madison County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1) (5) (28)</u>
<u>Large or Smallmouth Bass</u>	- <u>15" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	- <u>3 Fish Daily Creel Limit</u>
<u>White, Black or Hybrid Crappie (15)</u>	- <u>25 Fish Daily Creel Limit</u>

Horsetail Lake, Cook County Forest Preserve DistrictCook County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1) (36)</u>
<u>Bluegill, Redear, or Pumpkinseed</u>	- <u>15 Fish Daily Creel Limit</u>
<u>Sunfish (14)</u>	
<u>Large or Smallmouth Bass</u>	- <u>14" Minimum Length Limit</u>
<u>Trout</u>	- <u>Fall Closed Season (10)</u>
<u>White, Black, or Hybrid Crappie (15)</u>	- <u>15 Fish Daily Creel Limit</u>

Horton Lake, Nauvoo State ParkHancock County

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<u>All Fish</u>	<u>- 2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	<u>- 6 Fish Daily Creel Limit</u>
<u>Humbolt Park Lagoon, Chicago Park District</u>	
<u>Cook County</u>	
<u>All Fish</u>	<u>- 2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	<u>- 4 Fish Daily Creel Limit</u>
<u>Hurricane Pond, Fox Ridge State Park</u>	
<u>Coles County</u>	
<u>All Fish</u>	<u>- 2 Pole and Line Fishing Only (1)</u>
<u>Bluegill or Redear Sunfish (14)</u>	<u>- 5 Fish Daily Creel Limit</u>
<u>Channel Catfish</u>	<u>- 6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	<u>- 18" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	<u>- 1 Fish Daily Creel Limit</u>
<u>Illinois & Michigan Canal, State of Illinois</u>	
<u>Grundy/LaSalle/ Will Counties</u>	
<u>All Fish</u>	<u>- 2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	<u>- 6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	<u>- 15" Minimum Length Limit</u>
<u>Trout</u>	<u>- Spring Closed Season (11)</u>
<u>Illinois Beach State Park Ponds, Illinois Beach State Park</u>	
<u>Lake County</u>	
<u>All Fish</u>	<u>- 2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	<u>- 6 Fish Daily Creel Limit</u>
<u>Illinois Department of Transportation Lake, State of Illinois</u>	
<u>Sangamon County</u>	
<u>All Fish</u>	<u>- 2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	<u>- 6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	<u>- 15" Minimum Length Limit</u>
<u>Trout</u>	<u>- Fall Closed Season (10)</u>
<u>Trout</u>	<u>- Spring Closed Season (11)</u>
<u>Illinois River – Pool 26 (19)</u>	
<u>Calhoun County</u>	

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Illinois River – Starved Rock and Marseilles PoolsLaSalle and Grundy Counties

<u>Large or Smallmouth Bass</u>	<u>- 18" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	<u>- 1 Fish Daily Creel Limit</u>
<u>White, Black or Hybrid Crappie (15)</u>	<u>- 10 Fish Daily Creel Limit</u>

Illinois River – State of IllinoisMultiple Counties

<u>Large or Smallmouth Bass</u>	<u>- 12" Minimum Length Limit</u>
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Indian Boundary South Pond, Frankfort Square Park DistrictWill County

<u>All Fish</u>	<u>- 2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	<u>- 6 Fish Daily Creel Limit</u>

Iroquois & Kankakee Rivers and their Tributaries, State of IllinoisMultiple Counties

<u>Walleye, Sauger and Hybrid Walleye</u>	<u>- 14" Minimum Length Limit</u>
<u>Walleye, Sauger and Hybrid Walleye (14)</u>	<u>- 18" to 26" Protected Slot (no possession); 3 Fish Daily Creel of which only 1 can be > 26" (47)</u>

Island Pond, Boone County Conservation DistrictBoone County

<u>All Fish</u>	<u>- 2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	<u>- 6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	<u>- 14" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	<u>- 1 Fish Daily Creel Limit</u>

Jackson Park (Columbia Basin) Lagoon, Chicago Park DistrictCook County

<u>All Fish</u>	<u>- 2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	<u>- 4 Fish Daily Creel Limit</u>

Jericho Lake, Fox Valley Park DistrictKane County

<u>All Fish</u>	<u>- 2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	<u>- 3 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	<u>- 15" Minimum Length Limit</u>

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<u>Large or Smallmouth Bass (14)</u>	<u>- 1 Fish Daily Creel Limit</u>
<u>Black, White, or Hybrid Crappie</u>	<u>- 9" Minimum Length Limit</u>
<u>Black, White, or Hybrid Crappie (15)</u>	<u>- 15 Fish Daily Creel Limit</u>

Jim Edgar/Panther Creek Fish and Wildlife Area, All Lakes and Ponds, Jim Edgar/Panther Creek Fish and Wildlife AreaCass County

<u>Recreational Use Restrictions</u>	<u>- All live bait >in excess of 8" must be rigged with a quick set rig (43)</u>
<u>All Fish</u>	<u>- 2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	<u>- 6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	<u>- 15" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	<u>- 3 Fish Daily Creel Limit</u>
<u>Pure Muskellunge</u>	<u>- 48" Minimum Length Limit</u>

Jim Edgar/Panther Creek Fish and Wildlife Area – Drake Lake, Jim Edgar/Panther Creek Fish and Wildlife AreaCass County

<u>All Fish</u>	<u>- 2 Pole and Line Fishing Only (1)</u>
<u>Bluegill or Redear Sunfish (14)</u>	<u>- 10 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	<u>- 15" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	<u>- 3 Fish Daily Creel Limit</u>

Jim Edgar/Panther Creek Fish and Wildlife Area, Gurney Road Pond, Jim Edgar/Panther Creek Fish and Wildlife AreaCass County

<u>All Fish</u>	<u>- 2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	<u>- 6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	<u>- 15" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	<u>- 3 Fish Daily Creel Limit</u>
<u>Trout</u>	<u>- Spring Closed Season (11)</u>

Johnson Sauk Trail Lake & Pond, Johnson Sauk Trail State ParkHenry County

<u>Recreational Use Restrictions</u>	<u>- All live bait >in excess of 8" must be rigged with a quick set rig (43)</u>
<u>All Fish</u>	<u>- 2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	<u>- 6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	<u>- 14" Minimum Length Limit</u>

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Jones Lake Trout Pond, Saline County Conservation AreaSaline County

<u>Trout</u>	- <u>Fall Closed Season (10)</u>
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Jones Park Lake, City of East St. LouisSt. Clair County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Trout</u>	- <u>Fall Closed Season (10)</u>
<u>Trout</u>	- <u>Spring Closed Season (11)</u>

Jones State Lake, Saline County Conservation AreaSaline County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	- <u>14"-18" Protected Slot Length Limit (no possession) (38)</u>
<u>Large or Smallmouth Bass (14)</u>	- <u>5 Fish <under 14" and 1 Fish >over 18" Daily Creel Limit</u>

Jubilee College State Park Pond, Jubilee College State ParkPeoria County

<u>All Fish</u>	- <u>2 Pole and Line Fishing Only (1)</u>
<u>Channel Catfish</u>	- <u>6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	- <u>15" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	- <u>1 Fish Daily Creel Limit</u>

Kankakee-Iroquois Rivers and their Tributaries, State of IllinoisMultiple Counties

<u>Walleye, Sauger, and Hybrid Walleye</u>	- <u>14" Minimum Length Limit</u>
<u>Walleye, Sauger, and Hybrid Walleye (14)</u>	- <u>18" to 26" Protected Slot (no possession); 3 Fish Daily Creel of which only 1 can be > 26" (47)</u>

Kankakee River, from the Kankakee Dam to the mouth of the Kankakee River, including tributaries, State of IllinoisMultiple Counties

<u>Smallmouth Bass</u>	- <u>12"-18" Protected Slot Length Limit (no possession) (47)</u>
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Smallmouth Bass possession)
 - 1 Fish ~~>over~~ 18" and 2 Fish ~~<under~~ 12"
Daily Creel Limit (37)

Kaskaskia River Fish and Wildlife Area – Doza Creek Wildlife Management Area (33)
St.Clair County

Kendall Co. Lake #1, Kendall County Forest Preserve District
Kendall County

All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Kent Creek
Winnebago County

Trout - Catch and Release Fishing Only (9)

Kickapoo State Park Lakes & Pond, Kickapoo State Park
Vermilion County

All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14) - 12"-15" Protected Slot Length Limit (no possession); 3 Fish Daily Creel Limit of which no more than 1 fish may be ~~>greater than or equal to~~ 15" and no more than 2 may be ~~<less than~~ 12" (31)

Kincaid City Reservoir, City of Kincaid
Christian County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit

Kinkaid Lake, Kinkaid Lake State Fish and Wildlife Area
Jackson County

Recreational Use Restrictions - All live bait ~~>in excess of~~ 8" must be rigged

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<u>Large or Smallmouth Bass</u>	<u>with a quick set rig (43)</u>
<u>Large or Smallmouth Bass (14)</u>	<u>- 16" Minimum Length Limit</u>
<u>Pure Muskellunge</u>	<u>- 3 Fish Daily Creel Limit</u>
<u>White, Black, or Hybrid Crappie</u>	<u>- 48" Minimum Length Limit (40)</u>
<u>White, Black, or Hybrid Crappie (15)</u>	<u>- 9" Minimum Length Limit</u>
	<u>- 25 Fish Daily Creel Limit</u>

Kinmundy Reservoir, City of KinmundyMarion County

<u>All Fish</u>	<u>- 2 Pole and Line Fishing Only (1) (5)</u>
<u>Channel Catfish</u>	<u>- 6 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	<u>- 15" Minimum Length Limit</u>
<u>Large or Smallmouth Bass (14)</u>	<u>- 1 Fish Daily Creel Limit</u>

Kishwaukee River and South Branch of Kishwaukee River and Tributaries, State of Illinois
Multiple Counties

Smallmouth Bass	- 14" Minimum Length Limit
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Lake Atwood, McHenry County Conservation District

McHenry County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Trout	- Spring Closed Season (11)

Lake Bloomington, City of Bloomington

McLean County

All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 25 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Striped, White, or Hybrid Striped Bass	- 17" Minimum Length Limit
Striped, White, or Hybrid Striped Bass (16)	- 3 Fish Daily Creel Limit
White, Black or Hybrid Crappie (15)	- 25 Fish Daily Creel Limit

Lake Carlton, Morrison-Rockwood State Park

Whiteside County

Recreational Use Restrictions	- All live bait >in excess of 8" must be rigged
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DEPARTMENT OF NATURAL RESOURCES

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- All Fish with a quick set rig (43)
- Channel Catfish - 2 Pole and Line Fishing Only (1)
- Large or Smallmouth Bass (14) - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 1 Fish Daily Creel Limit
- Pure Muskellunge - 14" Minimum Length Limit
- White, Black, or Hybrid Crappie (15) - 36" Minimum Length Limit
- 25 Fish Daily Creel Limit

Lake Chaminwood, Will County Forest Preserve District

Will County

- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) - 15 Fish Daily Creel Limit
- Channel Catfish - 3 Fish Daily Creel Limit
- Large or Smallmouth Bass - 18" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Lake Co. Forest Preserve District Lakes (except Independence Grove Lake), Lake County Forest Preserve District

Lake County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 3 Fish Daily Creel Limit
- Large Smallmouth Bass (14) - 1 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Walleye, Sauger, or Hybrid Walleye - 16" Minimum Length Limit

Lake Decatur, City of Decatur

Macon County

- All Fish - 2 Pole and Line Fishing Only (1) (29) (36)
- White, Black, or Hybrid Crappie - 10" Minimum Length Limit
- White, Black, or Hybrid Crappie (15) - 10 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

Lake Depue Fish and Wildlife Area (33)

Bureau County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Lake Eureka, City of Eureka

Woodford County

- | | |
|-------------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |

Lake George, Loud Thunder Forest Preserve

Rock Island County

- | | |
|---|---|
| Recreational Use Restrictions | - All live bait >in excess of 8" must be rigged with a quick set rig (43) |
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |
| Pure Muskellunge | - 36" Minimum Length Limit |
| Striped, White, or Hybrid Striped Bass | - 17" Minimum Length Limit |
| Striped, White, or Hybrid Striped Bass (16) | - 1 Fish Daily Creel Limit |
| White, Black, or Hybrid Crappie (15) | - 25 Fish Daily Creel Limit |

Lake Jacksonville, City of Jacksonville

Morgan County

- | | |
|---|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Striped, White, or Hybrid Striped Bass | - 17" Minimum Length Limit |
| Striped, White, or Hybrid Striped Bass (16) | - 3 Fish Daily Creel Limit |
| White, Black, or Hybrid Crappie (15) | - 15 Fish Daily Creel Limit |
| White, Black, or Hybrid Crappie | - 9" Minimum Length Limit |

Lake Kakusha, City of Mendota

LaSalle County

- | | |
|--------------------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 3 Fish Daily Creel Limit |
| White, Black, or Hybrid Crappie (15) | - 25 Fish Daily Creel Limit |

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Lake Le-Aqua-Na Kids Only Fishing Pond, Lake Le-Aqua-Na State Park

Stephenson County

- | | |
|--|---|
| Recreational Use Restrictions | - Only kids under 16 years of age permitted to fish |
| Channel Catfish | - 1 Fish Daily Creel Limit |
| Bluegill or Redear Sunfish and Their Hybrids | - 10 Fish Daily Creel Limit |

Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park

Stephenson County

- | | |
|--------------------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |
| White, Black, or Hybrid Crappie (15) | - 10 Fish Daily Creel Limit |

Lake Mendota, City of Mendota

LaSalle County

- | | |
|-------------------------------|--|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass (14) | - 1 Fish > 15" &/or 2 < 12" Daily (31) |

Lake Michigan (Illinois Portion), State of Illinois

Lake/Cook Counties

- | | |
|-------------------------------|--|
| Trout and Salmon | - 10" Minimum Length Limit |
| Trout and Salmon | - No more than 5 fish of any one species daily, except for Lake Trout |
| Lake Trout | - 2 Fish Daily Creel Limit |
| Yellow Perch | - 15 Fish Daily Creel Limit |
| Yellow Perch | - Closed During July (exception: 10 fish daily limit during July for youth under age 16) |
| Large or Smallmouth Bass | - 21" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |

Lake Milliken, Des Plaines Conservation Area

Will County

- | | |
|--------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Trout - Spring Closed Season (11)

Lake Mingo & Kennekuk Cove Park Ponds, Vermilion County Conservation Area
Vermilion County

Recreational Use Restrictions	- All live bait ≥in excess of 8" must be rigged with a quick set rig (43)
All Fish	- 2 Pole and Line Fishing Only (1) (44)
Bluegill or Redear Sunfish (14)	- No more than 5 fish ≥over 7" permitted; unlimited daily creel for fish 7" and under
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Pure Muskellunge	- 48" Minimum Length Limit (40)
White, Black, or Hybrid Crappie	- 9" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 15 Fish Daily Creel Limit

Lake Murphysboro, Lake Murphysboro State Park
Jackson County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit

Lake Nellie, City of St. Elmo
Fayette County

All Fish	- 2 Pole and Line Fishing Only (1) (5)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit

Lake of the Woods & Elk's Pond, Champaign County Forest Preserve District
Champaign County

Recreational Use Restrictions	- All live bait ≥in excess of 8" must be rigged with a quick set rig (43)
All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- No more than 5 fish ≥over 7" permitted; unlimited daily creel for fish ≤ 7" and under
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Trout - Spring Closed Season (11)

Lake Owen, Hazel Crest Park District
Cook County

All Fish - 2 Pole and Line Fishing Only (1)

Channel Catfish - 6 Fish Daily Creel Limit

Lake Paradise, City of Mattoon
Coles County

All Fish - 2 Pole and Line Fishing Only (1)

Large or Smallmouth Bass - 14" Minimum Length Limit

Lake Sara, City of Effingham
Effingham County

Large or Smallmouth Bass - 14" Minimum Length Limit

White, Black, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit

Lake Shelbyville (21), U.S. Army Corps of Engineers
Moultrie/Shelby Counties

Recreational Use Restrictions - During the regular waterfowl season, no bank or boat fishing shall be permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad Bridge from one-half hour before sunrise to 1 p.m.

- All live bait ~~>in excess of~~ 8" must be rigged with a quick set rig (43)

Large or Smallmouth Bass - 14" Minimum Length Limit

Pure Muskellunge - 48" Minimum Length Limit (40)

White, Black, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit with only 5 Fish ~~<under~~ 10" and 10 Fish ~~>10"~~ ~~and over~~ permitted

Lake Shelbyville – U.S. Army Corps of Engineers Project Ponds and Wood Lake, and Lake Shelbyville State Fish and Wildlife Management Area Ponds (33)

Moultrie/Shelby Counties

All Fish - 2 Pole and Line Fishing Only (1)

Channel Catfish - 6 Fish Daily Creel Limit

Large or Smallmouth Bass - 14" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

White, Black, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit with only 5 Fish
~~≤under~~ 10" and 10 Fish ~~≥~~ 10" ~~and-over~~
 permitted

Lake Shermerville, Northbrook Park District
 Cook County

All Fish - 2 Pole and Line Fishing Only
 Channel Catfish - 6 Fish Daily Creel Limit

Lake Sinnissippi (33)
 Whiteside County

Lake Springfield, City of Springfield
 Sangamon County

All Fish - 2 Pole and Line Fishing Only (1) (5)
 Large or Smallmouth Bass - 15" Minimum Length Limit
 White, Black, or Hybrid Crappie (15) - 10 Fish Daily Creel Limit
 White, Black, or Hybrid Crappie - 10" Minimum Length Limit

Lake Storey, City of Galesburg
 Knox County

Recreational Use Restrictions - All live bait ~~≥in-excess-of~~ 8" must be rigged
 with a quick set rig (43)
 All Fish - 2 Pole and Line Fishing Only (1) (5)
 Bluegill and Redear Sunfish (14) - 25 Fish Daily Creel Limit
 Channel or Blue Catfish (14) - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass (14) - 1 Fish > 15" and/or 5 < 12" Daily (12)
 Pure Muskellunge - 42" Minimum Length Limit
 Walleye, Sauger, or Hybrid Walleye
 (14) - 3 Fish Daily Creel Limit

Lake Strini, Village of Romeoville
 Will County

All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Lake Sule, Flagg-Rochelle Park District
 Ogle County

Recreational Use Restrictions - All live bait ~~≥in-excess-of~~ 8" must be rigged

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

	with a quick set rig (43)
All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 5 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Pure Muskellunge	- 36" Minimum Length Limit
White, Black or Hybrid Crappie (15)	- 10 Fish Daily Creel Limit

Lake Taylorville, City of Taylorville
Christian County

Large or Smallmouth Bass	- 15" Minimum Length Limit
White, Black, or Hybrid Crappie	- 9" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 25 Fish Daily Creel Limit

Lake Vandalia, City of Vandalia
Fayette County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Striped, White, or Hybrid Striped Bass	- 17" Minimum Length Limit
Striped, White, or Hybrid Striped Bass (16)	- 3 Fish Daily Creel Limit

Lake Vermilion, Vermilion County Conservation District
Vermilion County

All Fish	- 2 Pole and Line Fishing Only (1) (26) (except that sport fishermen may take carp, carpsuckers, buffalo, gar, bowfin, and suckers by pitchfork, gigs, bow and arrow or bow and arrow devices north of Boiling Springs Road, but not within 300 feet around the wetland boardwalk)
Large or Smallmouth Bass	- 15" Minimum Length Limit
White, Black, or Hybrid Crappie	- 9" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 25 Fish Daily Creel Limit

Lake Victoria, City of South Beloit
Winnebago County

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NOTICE OF PROPOSED AMENDMENTS

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

Lake Williamsville, City of Williamsville
Sangamon County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit

LaSalle Lake, LaSalle Lake State Fish and Wildlife Area

LaSalle County

Recreational Use Restrictions	- Waterfowl refuge or hunting area; site regulations apply
All Fish	- 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Large or Smallmouth Bass	- 18" Minimum Length Limit
Striped, White, or Hybrid Striped Bass (16)	- 10 Creel/3 Fish \geq 17" or Longer Daily (17)

Levings Lake, Rockford Park District

Winnebago County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

Lincoln Log Cabin Pond, Lincoln Log Cabin Historical Site

Coles County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

Lincoln Park North Lagoon, Chicago Park District

Cook County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 4 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Lincoln Park South Lagoon, Chicago Park District

Cook County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 4 Fish Daily Creel Limit

Lincoln Trail Lake, Lincoln Trail State Park

Clark County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14-18" Slot Length Limit (14" to 18" protected)
- Large or Smallmouth Bass (14) - 4 Creel/1 Fish > 18" Daily (daily Catch Limit for large or smallmouth bass, singly or in the aggregate, shall not exceed 4 fish per day, no more than one of which shall be ~~≥~~ greater than 18" in length)

Litchfield City Lake, City of Litchfield

Montgomery County

- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit – 1 Fish \geq 15" ~~or~~ ~~Over~~ and 2 Fish \leq ~~Under~~ 15" Total Length (25)
- White, Black or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

Loami Reservoir, City of Loami

Sangamon County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit

Lou Yeager Lake, City of Litchfield

Montgomery County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Mackinaw Ponds 1, 2, and 3, Mackinaw State Fish and Wildlife Area

Tazewell County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Large or Smallmouth Bass - 15" Minimum Length Limit
 Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Macon County Conservation District Ponds (see also Rock Springs Pond and Rock Springs Bike Trail Pond), Macon County Conservation District

Macon County

- All Fish - 2 Pole and Line Fishing Only (1)

Mallard Lake, DuPage County Forest Preserve District

DuPage County

- Recreational Use Restrictions - All live bait ~~>in excess of~~ 8" must be rigged with a quick set rig (43)
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 3 Fish Daily Creel Limit
 Channel Catfish - 12" Minimum Length Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
 Pure Muskellunge - 48" Minimum Length Limit (40)
 Walleye, Sauger, or Hybrid Walleye - 16" Minimum Length Limit
 Walleye, Sauger, or Hybrid Walleye (14) - 3 Fish Daily Creel Limit
 White, Black, or Hybrid Crappie - 9" Minimum Length Limit
 White, Black, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

Maple Lake, Cook County Preserve District

Cook County

- All Fish - 2 Pole and Line Fishing Only (1) (36)
 Bluegill, Redear, or Pumpkinseed - 15 Fish Daily Creel Limit
 Sunfish (14)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 White, Black, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

Marine Heritage Lake, Village of Marine

Madison County

- All Fish - 2 Pole and Line Fishing Only (1)
 Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

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NOTICE OF PROPOSED AMENDMENTS

Marissa City Lake, City of Marissa
St. Clair County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Marquette Park Lagoon, Chicago Park District
Cook County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 4 Fish Daily Creel Limit

Marshall County Conservation Area (Fishing Ditch), Marshall County Conservation Area (33)
Marshall County

- All Fish - 2 Pole and Line Fishing Only (1)

Marshall County Conservation Area – Sparland Unit (33)
Marshall County

Mascoutah Reservoir, City of Mascoutah
St. Clair County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Matthiessen Lake, Matthiessen State Park
LaSalle County

- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
- Channel Catfish - 6 Fish Daily Creel limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

Mattoon Lake, City of Mattoon
Coles County

- All Fish - 2 Pole and Line Fishing Only (1)
- Large or Smallmouth Bass - 14" Minimum Length Limit

Mautino Fish and Wildlife Area, Mautino Fish and Wildlife Area
Bureau County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

All Fish	- 2 Pole and Line Fishing Only (1) (34)
Bluegill or Redear Sunfish (14)	- 10 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Mauvaise Terre/Morgan Lake, City of Jacksonville	
Morgan County	
Large or Smallmouth Bass	- 15" Minimum Length Limit
Mazonia Lakes & Ponds (excluding Ponderosa Lake), Mazonia State Fish and Wildlife Area (33)	
Grundy/Kankakee/Will Counties	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
White, Black or Hybrid Crappie (15)	- 10 Fish Daily Creel Limit
McCullom Lake, City of McHenry	
McHenry County	
All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 25 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
McKinley Park Lagoon, Chicago Park District	
Cook County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 4 Fish Daily Creel Limit
McLeansboro City Lakes, City of McLeansboro	
Hamilton County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Mechanicsburg Park Pond, City of Mechanicsburg	
Sangamon County	

DEPARTMENT OF NATURAL RESOURCES

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All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 3 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit

Meredosia Lake – Cass County Portion Only (meandered waters only) (33)
Cass County

Meredosia Lake, Cass County Portion
Cass County

Recreational Use Restrictions	- Meandered waters only; All boat traffic is prohibited from operating on meandered waters (except non-motorized boats may be used to assist in the retrieval of waterfowl shot from private land) from the period from one week before waterfowl season opens until the season closes; hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes
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Mermet State Lake, Mermet Lake Conservation Area (33)
Massac County

All Fish	- 2 Pole and Line Fishing Only (1) (5)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 25 Fish Daily Creel Limit

Middle Fork Forest Preserve Pond, Champaign County Forest Preserve
Champaign County

All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 25 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit

Middle Fork of the Vermilion River, Kickapoo State Park and Middle Fork Fish and Wildlife Area
Vermilion County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

All Fish - 2 Pole and Line Fishing Only (1)

Mill Creek Lake, Clark County Park District
Clark County

- Recreational Use Restrictions - All live bait ~~>in excess of~~ 8" must be rigged with a quick set rig (43)
- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 12-15" Slot Length Limit (3)
- Pure Muskellunge - 42" Minimum Length Limit

Mill Pond, Pearl City Park District
Stephenson County

- All Fish - 2 Pole and Line Fishing Only (1)
- Large or Smallmouth Bass - 14" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Mill Race Ponds, Belvidere Park District
Boone County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Trout - Spring Closed Season (11)

Miller Park Lake, ~~City of~~ Bloomington Park District
McLean County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 36 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Trout - Spring Closed Season (11)

Mineral Springs Park Lagoon, City of Pekin
Tazewell County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Trout - Fall Closed Season (10)

Mississippi River Pools 16, 17, 18, 21, 22, 24 (33)
Multiple Counties

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Mississippi River Pools 25 and 26 (19)
Multiple Counties

Mississippi River (between IL & IA), State of Illinois
Multiple Counties

- | | |
|---|---|
| Recreational Use Restrictions | - Any tagged sport fishing device may not be left unattended for more than 24 hours or must be completely removed |
| | - Maximum treble hook size is 5/0; gaffs may not be used to land paddlefish |
| All Fish | - Anglers must not use more than 2 poles and each pole must not have more than 2 hooks or lures while trolling |
| Bluegill or Pumpkinseed Sunfish | - 25 Fish Daily Creel Limit singly or in aggregate |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 5 Fish Daily Creel Limit |
| Northern Pike | - 5 Fish Daily Creel Limit |
| Paddlefish | - Snagging for paddlefish is permitted from ½ hour before sunrise to ½ hour after sunset daily, March 1 through April 15 within a 500 yard downstream limit below locks and dams on the Mississippi River between Illinois and Iowa; daily catch limit is 2 fish; the maximum length limit for paddlefish taken from the Mississippi River between Illinois and Iowa is 33" eye-fork length (EFL) (all paddlefish ≥ greater than or equal to 33" EFL must be immediately released back to the Mississippi River); no sorting allowed; once the daily limit of paddlefish has been reached, snagging must cease |
| Rock Bass | - 25 Fish Daily Creel Limit |
| Striped, White, Yellow or Hybrid Striped Bass | - 25 Fish Daily Creel Limit singly or in aggregate – statewide regulation limiting daily creel to 3 fish ≥ 17" or longer is not in effect on the Mississippi River between Illinois and Iowa |

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Walleye and Sauger (14)	- 6 Fish Daily Creel Limit with no more than 1 walleye ≥greater than 27" in total length
Walleye	- 15" Minimum Length Limit with a 20-27" Protected Slot Length Limit (24)
White, Black or Hybrid Crappie (15)	- 25 Fish Daily Creel Limit singly or in aggregate
Yellow Perch	- 25 Fish Daily Creel Limit
Mississippi River (between IL & MO), State of Illinois	
Multiple Counties	
Recreational Use Restrictions	- Boating prohibited on refuge area (Ellis Bay) immediately upstream of Melvin Price Lock and Dam 26 overflow dike from October 15-April 15
	- Any tagged sport fishing device may not be left unattended for more than 24 hours or must be completely removed
All Nongame Species Combined (Excludes endangered and threatened species and the following game species: Crappie, Channel/Blue/Flathead Catfish, Rock Bass, Warmouth, White/Yellow/Striped/Hybrid Striped Bass, Trout, Largemouth/Smallmouth/Spotted Bass, Muskellunge, Northern Pike, Chain/Grass Pickerele Piekeral , Walleye, Sauger, Paddlefish)	- 100 Total Fish Daily Creel Limit
Channel or Blue Catfish (14)	- 20 Fish Daily Creel Limit
Flathead Catfish	- 10 Fish Daily Creel Limit
Largemouth, Smallmouth, Spotted Bass	- 12" Minimum Length Limit or
Northern Pike	- 1 Fish Daily Creel Limit
Paddlefish	- 24" Eye to Fork Minimum Length Limit
Paddlefish	- Snagging for paddlefish is permitted from September 15 through December 15 and March 15 through May 15 within a 300 yard downstream limit below locks and dams on the Mississippi River between Illinois and Missouri except for the Chain

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

of Rocks low water dam at Chouteau Island, also known as Dam 27 at the Chain of Rocks (Madison County) where no snagging is permitted; daily catch limit is 2 fish; sorting is permitted; every paddlefish ~~≥greater than or equal to~~ 24 "~~inches~~ in eye to fork length must be taken into immediate possession and included in the daily catch limit; paddlefish ~~≤less than~~ 24" eye to fork length must be returned immediately to the water; once the daily limit of paddlefish has been reached, snagging must cease

Striped, White, Yellow or Hybrid Striped Bass

- 30 Fish Daily Creel Limit singly or in aggregate – statewide regulation limiting daily creel to 3 fish ~~≥ 17"~~ ~~or longer~~ is not in effect on the Mississippi River between Illinois and Missouri

Walleye and Sauger (14)
White, Black or Hybrid Crappie (15)

- 8 Fish Daily Creel Limit
- 30 Fish Daily Creel Limit

Monee Reservoir, Will County Forest Preserve District
Will County

All Fish
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 15" Minimum Length Limit

Montrose Lake, City of Montrose
Cumberland County

All Fish
Channel Catfish
Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Mt. Olive City Lakes (Old and New), City of Mt. Olive
Macoupin County

All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Mt. Pulaski Park District Lake, Mt. Pulaski Park District

Logan County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 3 Fish Daily Creel Limit

Mt. Sterling Lake, City of Mt. Sterling

Brown County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 12-15" Slot Length Limit (3)

Mt. Vernon City Park Lake, City of Mt. Vernon

Jefferson County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Mt. Vernon Game Farm Pond, Mt. Vernon Game Farm

Jefferson County

- All Fish - 2 Pole and Line Fishing Only (1)
- Trout - Fall Closed Season (10)
- Trout - Spring Closed Season (11)

Mundelein Park District Ponds , City of Mundelein

Lake County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Nashville City Lake, City of Nashville

Washington County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 18" Minimum Length Limit

Newton Lake, Newton Lake State Fish and Wildlife Area (41) (33)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Jasper County

Recreational Use Restrictions

- The cold water arm of Newton Lake shall be closed daily from one-half hour before sunrise until 1:00 p.m. to all fishing and boat traffic except for legal waterfowl hunters during waterfowl season commencing with regular duck season through the close of the Canada goose and regular duck season; fishing tournaments prohibited from June 1 through August 31

- All Fish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- White, Black, or Hybrid Crappie (15)
- White, Black, or Hybrid Crappie

- 2 Pole and Line Fishing Only (1) (5)
- 18" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 10 Fish Daily Creel Limit
- 10" Minimum Length Limit

Norris City Reservoir, City of Norris City

White County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

North Marcum Campground Pond, U.S. Army Corps of Engineers

Franklin County

~~Recreational Use Restrictions~~

~~- Fishing permitted only by persons under 16 years of age~~

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

Oakland City Lake, City of Oakland

Coles County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Oblong Lake, City of Oblong

Crawford County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit

Ohio River (between Illinois & Kentucky), State of Illinois

Multiple Counties

Large or Smallmouth Bass	- 12" Minimum Length Limit
Northern Pike	- No Length or Creel Limit
Muskie or Tiger Muskie	- 2 Fish Daily Creel Limit
Muskie or Tiger Muskie	- 30" Minimum Length Limit
Walleye, Sauger, or Hybrid Walleye (14)	- 10 Fish Daily Creel Limit
White, Black, or Hybrid Crappie (15)	- 30 Fish Daily Creel Limit
Striped, White, Yellow or Hybrid	- 30 Creel/4 Fish \geq 15" or Longer Daily (32)
Striped Bass	

Ohio River – Smithland Pool Tributary Streams (in Pope/Hardin/Gallatin Counties, excluding Wabash River and Saline River Above Route 1 Bridge)

Multiple Counties

Large and Smallmouth Bass	- 12" Minimum Length Limit
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Old Kinmundy Reservoir, City of Kinmundy

Marion County

All Fish	- 2 Pole and Line Fishing Only (1) (5)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit

Olsen Lake, Rock Cut State Park

Winnebago County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

Omaha City Reservoir, City of Omaha

Gallatin County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Omaha Township Reservoir, City of Omaha
Gallatin County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

Otter Lake, Otter Lake Water Commission
Macoupin County

- Recreational Use Restrictions - All live bait ~~>in excess of~~ 8" must be rigged with a quick set rig (43)
- All Fish - 2 Pole and Line Fishing Only (1) (5)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Striped, White, or Hybrid Striped Bass (16) - 10 Creel/3 Fish ~~≥ 17" or Longer Daily~~ (17)
- Pure Muskellunge - 48" Minimum Length Limit (40)

Palmissano Pond (Stern's Park Quarry), Chicago Park District

Cook County

- All Fish - 2 Pole and Line Fishing Only (1)
- All Fish - Catch and Release Fishing Only (9)

Palmyra – Modesto Water Commission Lake, Palmyra/Modesto Water Commission

Macoupin County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Pana Lake, City of Pana
Shelby and Christian Counties

- Recreational Use Restrictions - All live bait ~~>in excess of~~ 8" must be rigged with a quick set rig (43)
- All Fish - 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit

Paris East & West Lakes, City of Paris

Edgar County

All Fish	- 2 Pole and Line Fishing Only (1) (5)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit

Peabody River King, Pit #3 Lakes and Ponds, River King State Conservation Area (see also Willow Lake for additional regulations)

St Clair County

All Fish	- 2 Pole and Line Fishing Only (1) (5)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
White, Black, or Hybrid Crappie (15)	- 25 Fish Daily Creel Limit
White, Black, or Hybrid Crappie	- 9" Minimum Length Limit

Pecatonica River and Tributaries, State of Illinois

Winnebago/Stephenson Counties

Smallmouth Bass	- 14" Minimum Length Limit
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Perry Farm Pond, Bourbonnais Park District

Kankakee County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit

Piasa (19)

Madison/Jersey Counties

Pierce Lake, Rock Cut State Park

Winnebago County

Recreational Use Restrictions	- All live bait ≥in excess of 8" must be rigged with a quick set rig (43)
All Fish	- 2 Pole and Line Fishing Only (1) (7)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- | | |
|--------------------------------------|---------------------------------|
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Pure Muskellunge | - 48" Minimum Length Limit (40) |
| White, Black, or Hybrid Crappie (15) | - 25 Fish Daily Creel Limit |

Pinckneyville Lake, City of Pinckneyville

Perry County

- | | |
|-------------------------------|----------------------------|
| Large or Smallmouth Bass | - 18" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |

Pine Creek

Ogle County

- | | |
|-------|-----------------------------|
| Trout | - Spring Closed Season (11) |
|-------|-----------------------------|

Pine Creek (within the boundaries of White Pines Forest State Park)

Ogle County

- | | |
|----------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Trout | - Spring Closed Season (11) |

Pine Lake, Village of University Park

Will County

- | | |
|-----------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |

Piscasaw Creek

McHenry County

- | | |
|-------|-----------------------------|
| Trout | - 9" Minimum Length Limit |
| Trout | - Spring Closed Season (11) |

Pittsfield City Lake, City of Pittsfield

Pike County

- | | |
|--|--|
| All Fish | - 2 Pole and Line Fishing Only (1) (7) |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |
| Striped, White, or Hybrid Striped Bass | - 17" Minimum Length |
| Striped, White, or Hybrid Striped Bass
(16) | - 3 Fish Daily Creel Limit |

Pocahontas Park Ponds, City of Pocahontas

Bond County

- | | |
|----------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
|----------|------------------------------------|

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Channel Catfish - 6 Fish Daily Creel Limit

Ponderosa Lake, Mazonia State Fish and Wildlife Area (33)

Grundy County

All Fish - 2 Pole and Line Fishing Only (1)
 Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
 White, Black or Hybrid Crappie (15) - 10 Fish Daily Creel Limit

Powerton Lake, Powerton Lake Fish and Wildlife Area (39)

Tazewell County

Recreational Use Restrictions - Powerton Lake shall be closed to boat traffic except for legal waterfowl hunters from one week prior to regular waterfowl season to February 15, and closed to all unauthorized entry during regular Canada goose and duck season

All Fish - 2 Pole and Line Fishing Only (1)
 Channel or Blue Catfish (14) - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 18" Minimum Length Limit
 Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
 Striped, White, or Hybrid Striped Bass (16) - 10 Creel/3 Fish \geq 17" ~~or Longer~~ Daily (17)
 Walleye, Sauger, or Hybrid Walleye (14) - 3 Fish Daily Creel Limit
 Walleye, Sauger, or Hybrid Walleye - 18" Minimum Length Limit

Prospect Pond, City of Moline

Rock Island County

Trout - Fall Closed Season (10)

Pyramid State Park – Blue Wing Lake, Green Wing Lake and Goldeneye Lake, Pyramid State Park

Perry County

Recreational Use Restrictions - Waterfowl Hunting Area (from October 28 through February 28 fishing is permitted in designated areas only, and fishing hours are from ½ hour before sunrise to 2 p.m.)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- All live bait in excess of 8" must be rigged with a quick set rig (43)
- All Fish - 2 Pole and Line Fishing Only (1) (5)
- Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14 to 18" Protected Slot (no possession)
- Large or Smallmouth Bass (14) - 1 Fish ~~≥over~~ 18" and 5 Fish ~~≤under~~ 14" (40)
- Pure Muskellunge - 48" Minimum Length Limit
- White, Black, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit

Pyramid State Park – Captain, Denmark, Galum and East Conant Areas – All Lakes and Ponds except Blue Wing Lake, Green Wing Lake and Goldeneye Lake, Pyramid State Park

Perry County

- Recreational Use Restrictions - Waterfowl Refuge or Hunting Area (all use other than waterfowl hunting prohibited from October 28 through February 28)
- All live bait ~~≥in excess of~~ 8" must be rigged with a quick set rig (43)
- All Fish - 2 Pole and Line Fishing Only (1) (5)
- Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" to 18" Protected Slot (no possession)
- Large or Smallmouth Bass (14) - 1 Fish ~~≥over~~ 18" and 5 Fish ~~≤under~~ 14" (40)
- Pure Muskellunge - 48" Minimum Length Limit
- White, Black, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit

Pyramid State Park Lakes & Ponds (excluding Captain, Denmark, Gallum and East Conant Areas), Pyramid State Park

Perry County

- All Fish - 2 Pole and Line Fishing Only (1) (5)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" to 18" Protected Slot (no possession)
- Large or Smallmouth Bass (14) - 1 Fish ~~≥over~~ 18" and 5 Fish ~~≤under~~ 14" (40)

Raccoon Lake, City of Centralia

Marion County

Large or Smallmouth Bass

- 15" Minimum Length Limit

Ramsey Lake, Ramsey Lake State Park

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Fayette County

All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 25 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 10 Fish Daily Creel Limit
White, Black, or Hybrid Crappie	- 9" Minimum Length Limit

Ramsey Lake State Park Ponds, Ramsey Lake State Park

Fayette County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit

Randolph County Lake, Randolph County Conservation Area

Randolph County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Trout	- Fall Closed Season (10)

Red Hills Lake, Red Hills State Park

Lawrence County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit

Red's Landing Wildlife Management Area (19)

Calhoun County

(Walk-in area closed to trespassing 7 days prior to duck season)

Redwing Slough/Deer Lake (33)

Lake County

Rend Lake, U.S. Army Corps of Engineers (22) (33)

Franklin and Jefferson Counties

Channel Catfish	- All jugs must be attended at all times while fishing (2)
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DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- | | |
|--|--|
| Large or Smallmouth Bass | - 14" Minimum Length Limit |
| Striped, White, Yellow, or Hybrid Striped Bass (8) | - 20 Creel/3 Fish \geq 17" or Longer Daily |
| White, Black or Hybrid Crappie (15) | - 25 Creel/10 Fish \geq 10" or Longer Daily |

Rend Lake Project Ponds – Jackie Branch Pond, Ina N. Borrow Pit, Green Heron Pond, North Marcum Campground Pond, U.S. Army Corps of Engineers
Franklin and Jefferson Counties

- | | |
|--|---|
| Recreational Use Restrictions | – See kids only fishing regulations for North Marcum Campground Pond |
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Bluegill or Redear Sunfish (14) | - 10 Fish Daily Creel Limit |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |

Rice Lake Fish and Wildlife Area (33)
Fulton County

Ridge Lake, Fox Ridge State Park
Coles County

- | | |
|--------------------------|---|
| All Fish | - 2 Pole and Line Fishing Only (1) (27) |
| Channel Catfish | - 14" Minimum Length Limit |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |

Riis Park Lagoon, Chicago Park District
Cook County

- | | |
|-----------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 4 Fish Daily Creel Limit |

Riprap Landing (19)
Calhoun County

River Bend Forest Preserve Lakes (Sunset Lake and Shadow Lake), Champaign County Forest Preserve District

Champaign County

- | | |
|---------------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Bluegill or Redear Sunfish | - 8" Minimum Length Limit |
| Bluegill or Redear Sunfish (14) | - 10 Fish Daily Creel Limit |

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
White, Black, or Hybrid Crappie	- 9" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 10 Fish Daily Creel Limit

Riverside Park Lagoon, Moline Park District
Rock Island County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit

Rochester Park Pond, City of Rochester
Sangamon County

All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 10 Fish Daily Creel Limit
Channel Catfish	- 3 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit

Rock Creek, State of Illinois
Kankakee County

Trout	- Spring Closed Season (11)
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Rock River, from the Sears and Steel Dam downstream to confluence of the Mississippi River,
State of Illinois

Rock Island County

Walleye	- 15" Minimum Length Limit with a 20-27" Protected Slot Length Limit (24)
Walleye and Sauger (14)	- 6 Fish Daily Creel Limit with no more than 1 walleye > [≥] greater than 27" in total length

Rock River, Wisconsin State Line downstream to confluence of the Mississippi River, including
tributaries, State of Illinois

Multiple Counties

Smallmouth Bass	- 14" Minimum Length Limit
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Rock Springs Bike Trail Pond, Macon County Conservation District

Macon County

All Fish	- 2 Pole and Line Fishing Only (1)
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DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Rock Springs Pond, Macon County Conservation District

Macon County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
- Trout - Fall Closed Season (10)

Roodhouse Park Lake, City of Roodhouse

Green County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Route 6 Quarries (East and West), Will County Forest Preserve District

Will County

- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) - 15 Fish Daily Creel Limit
- Channel Catfish - 3 Fish Daily Creel Limit
- Large or Smallmouth Bass - 18" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Route 154 Day Use Pond, State of Illinois

Randolph County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Sag Quarry East, Cook County Forest Preserve District

Cook County

- Bluegill, Redear, or Pumpkinseed Sunfish (14) - 15 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Rainbow Trout - Spring Closed Season (11)
 White, Black, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

Sahara Woods Fish and Wildlife Area, State of Illinois

Saline County

- All Fish - 2 Pole and Line Fishing Only (1)
 Bluegill or Redear Sunfish (14) - 15 Fish Daily Creel Limit
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 18" Minimum Length Limit
 Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
 White, Black, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

St. Elmo South Lake, City of St. Elmo

Fayette County

- All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

Salem Reservoir, City of Salem

Marion County

- All Fish - 2 Pole and Line Fishing Only (1) (5)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

Sam Dale Lake, Sam Dale Conservation Area

Wayne County

- Recreational Use Restrictions - All live bait ~~≥in excess of~~ 8" must be rigged with a quick set rig (43)
 All Fish - 2 Pole and Line Fishing Only (1) (5)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Pure Muskellunge - 48" Minimum Length Limit

Sam Dale Trout Pond, Sam Dale Conservation Area

Wayne County

- All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Trout - Fall Closed Season (10)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Trout	- Spring Closed Season (11)
Sam Parr Lake, Sam Parr State Park Jasper County	
All Fish	- 2 Pole and Line Fishing Only (1) (5)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Sand Lake, Illinois Beach State Park Lake County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Trout	- Fall Closed Season (10)
Trout	- Spring Closed Season (11)
Sanganois Conservation Area (33) (42) Mason/Cass/Schuyler/Menard Counties	
Large or Smallmouth Bass	- 12" Minimum Length Limit
Sangchris Lake, Sangchris Lake State Park Christian/Sangamon Counties	
Recreational Use Restrictions	- Posted waterfowl refuge closed to all boat traffic during waterfowl season. Bank fishing along the dam shall be permitted. Fishing shall be prohibited in the east and west arms of the lake during the period from 10 days prior to the duck season through the end of the duck season. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the Canada goose season that follows the duck season
All Fish	- 2 Pole and Line Fishing Only (1) (45)
<u>Large or Smallmouth Bass</u>	- <u>15" Minimum Length Limit</u>
Large or Smallmouth Bass (14)	- <u>3 Fish Daily Creel Limit</u> 1 Fish > or equal to 15" and 2 Fish < 15" daily (25)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

White, Black, or Hybrid Crappie (15) - 10 Fish Daily Creel Limit
 White, Black, or Hybrid Crappie - 10" Minimum Length Limit

Sangchris Lake Park Ponds, Sangchris Lake State Park
 Sangamon County

All Fish - 2 Pole and Line Fishing Only (1)

Schiller Pond, Cook County Forest Preserve District
 Cook County

All Fish - 2 Pole and Line Fishing Only (1) (36)

Bluegill, Redear, or Pumpkinseed Sunfish - 15 Fish Daily Creel Limit

(14)

Channel Catfish - 6 Fish Daily Creel Limit

Large or Smallmouth Bass - 14" Minimum Length Limit

White, Black, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

Schuy-Rush Lake, City of Rushville
 Schuyler County

All Fish - 2 Pole and Line Fishing Only (1)

Channel Catfish - 6 Fish Daily Creel Limit

White, Black or Hybrid Crappie - 9" Minimum Length Limit

Senior Citizen's Pond, Kankakee River State Park
 Kankakee County

All Fish - 2 Pole and Line Fishing Only (1)

Channel Catfish - 6 Fish Daily Creel Limit

Sesser City Lake, City of Sesser
 Franklin County

All Fish - 2 Pole and Line Fishing Only (1)

Channel Catfish - 6 Fish Daily Creel Limit

Large or Smallmouth Bass - 18" Minimum Length Limit

Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Shabbona Lake, Shabbona Lake State Park
 DeKalb County

Recreational Use Restrictions - All live bait ~~≥in excess of~~ 8" must be rigged
 with a quick set rig (43)

All Fish - 2 Pole and Line Fishing Only (1) (7)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Bluegill or Redear Sunfish (14)	- 10 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Pure Muskellunge	- 48" Minimum Length Limit (40)
Striped, White, or Hybrid Striped Bass	- 17" Minimum Length Limit
Striped, White, or Hybrid Striped Bass (16)	- 3 Fish Daily Creel Limit
Walleye, Sauger, or Hybrid Walleye	- 18" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 10 Fish Daily Creel Limit

Shawnee National Forest Lakes and Ponds less than 10 acres, U.S. Forest Service

Multiple Counties

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass	- 15" Minimum Length Limit

Shawnee National Forest – Bay Creek Lake #5 and #8 (Sugar Creek Lake), U.S. Forest Service

Pope County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Largemouth, Smallmouth and Spotted Bass	- 15" Minimum Length Limit

Shawnee National Forest – Dutchman Lake, U.S. Forest Service

Johnson County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass	- 15" Minimum Length Limit

Shawnee National Forest – Lake Glendale, U.S. Forest Service

Pope County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass	- 15" Minimum Length Limit

Shawnee National Forest – Little Cache #1, U.S. Forest Service

Johnson County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Largemouth or Smallmouth Bass	- 15" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Shawnee National Forest – Little Cedar Lake, U.S. Forest Service

Jackson County

- | | |
|---|---|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Large or Smallmouth Bass | - 14"-18" Protected Slot Length Limit (no possession) |
| Large or Smallmouth Bass (14) | - 5 Fish ≤ Under 14" and 1 Fish ≥ over 18" Daily Creel Limit (38) |
| Striped, White, or Hybrid Striped Bass | - 17" Minimum Length Limit |
| Striped, White, or Hybrid Striped Bass (16) | - 3 Fish Daily Creel Limit |

Shawnee National Forest – One Horse Gap Lake, U.S. Forest Service

Pope County

- | | |
|--|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Largemouth, Smallmouth or Spotted Bass | - 15" Minimum Length Limit |

Shawnee National Forest – Pounds Hollow Lake, U.S. Forest Service

Gallatin County

- | | |
|--|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Largemouth, Smallmouth or Spotted Bass | - 15" Minimum Length Limit |

Shawnee National Forest – Tecumseh Lake, U.S. Forest Service

Hardin County

- | | |
|--|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Largemouth, Smallmouth or Spotted Bass | - 15" Minimum Length Limit |

Shawnee National Forest – Turkey Bayou, U.S. Forest Service

Jackson County

- | | |
|--|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Largemouth, Smallmouth or Spotted Bass | - 15" Minimum Length Limit |

Shawnee National Forest – Whoopie Cat Lake, U.S. Forest Service

Hardin Counties

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- | | |
|--|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Largemouth, Smallmouth or Spotted Bass | - 15" Minimum Length Limit |

Sherman Park Lagoon, Chicago Park District

Cook County

- | | |
|-----------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 4 Fish Daily Creel Limit |

Siloam Springs Lake, Siloam Springs State Park

Adams County

- | | |
|--------------------------|--|
| All Fish | - 2 Pole and Line Fishing Only (1) (7) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 12-15" Slot Length Limit (3) |
| Trout | - Fall Closed Season (10) |
| Trout | - Spring Closed Season (11) |

Siloam Springs State Park Buckhorn Unit Waters, Siloam Springs State Park

Brown County

- | | |
|---------------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Bluegill or Redear Sunfish | - 8" Minimum Length Limit |
| Bluegill or Redear Sunfish (14) | - 10 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 18" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |

Silver Lake, City of Highland

Madison County

- | | |
|-------------------------------|----------------------------|
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 3 Fish Daily Creel Limit |

Silver Lake, DuPage County Forest Preserve District

Dupage County

- | | |
|-------------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 3 Fish Daily Creel Limit |
| Channel Catfish | - 12" Minimum Length Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 3 Fish Daily Creel Limit |
| Trout | - Spring Closed Season (11) |

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Walleye, Sauger, or Hybrid Walleye	- 16" Minimum Length Limit
Walleye, Sauger, or Hybrid Walleye (14)	- 3 Fish Daily Creel Limit
White, Black or Hybrid Crappie	- 9" Minimum Length Limit
White, Black or Hybrid Crappie (15)	- 15 Fish Daily Creel Limit

Silver Springs S.P. (Big Lake) & Ponds, Silver Springs State Fish and Wildlife Area
Kendall County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Trout	- Fall Closed Season (10)
Trout	- Spring Closed Season (11)

Skokie Lagoons, Cook County Forest Preserve District
Cook County

All Fish	- 2 Pole and Line Fishing Only (1) (36)
Bluegill, Redear, or Pumpkinseed Sunfish (14)	- 15 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Walleye, Sauger, or Hybrid Walleye	- 18" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 15 Fish Daily Creel Limit

Snakeden Hollow State Fish and Wildlife Area – McMaster Lake & Other Site Waters, State of
Illinois

Knox County

Recreational Use Restrictions	- Waterfowl Refuge or Hunting Area (all use other than waterfowl hunting prohibited from 14 days prior to duck season through the end of the central zone Canada goose season)
	- All live bait >in excess of 8" must be rigged with a quick set rig (43)
All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 10 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit with only one fish > 15" -or longer
Pure Muskellunge	- 42" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Walleye, Sauger, or Hybrid Walleye (14) - 3 Fish Daily Creel Limit
 White, Black, or Hybrid Crappie (15) - 5 Fish Daily Creel Limit

Sparta City Lakes, City of Sparta
 Randolph County

- All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit

Sparta City Reservoir (South), City of Sparta
 Randolph County

- All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Bluegill or Redear Sunfish (14) - 15 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit

Sparta "T" Lake, City of Sparta
 Randolph County

- All Fish - 2 Pole and Line Fishing Only (1)
 Bluegill or Redear Sunfish - 8" Minimum Length Limit
 Bluegill or Redear Sunfish (14) - 15 Fish Daily Creel Limit
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
 White, Black, or Hybrid Crappie - 9" Minimum Length Limit
 White, Black, or Hybrid Crappie (15) - 10 Fish Daily Creel Limit

Sparta World Shooting and Recreational Complex – Derby Lake, State of Illinois
 Randolph County

- All Fish - 2 Pole and Line Fishing Only (1)
 Bluegill and Redear Sunfish (14) - 15 Fish Daily Creel Limit
 Channel Catfish - 6 Fish Daily Creel Limit
 Large and Smallmouth Bass - 18" Minimum Length Limit
 Large and Smallmouth Bass (14) - 1 Fish Daily Creel Limit
 White, Black, or Hybrid Crappie - 10" Minimum Length Limit
 White, Black, or Hybrid Crappie (15) - 10 Fish Daily Creel Limit
 Trout - Fall Closed Season (10)
 Trout - Spring Closed Season (11)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Sparta World Shooting and Recreational Complex Lakes, State of Illinois

Randolph County

All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill and Redear Sunfish (14)	- 15 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large and Smallmouth Bass	- 18" Minimum Length Limit
Large and Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
White, Black, or Hybrid Crappie	- 10" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 10 Fish Daily Creel Limit

Spencer Lake, Boone County Conservation District

Boone County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

Sportsmans' Club Pond, Macon County Conservation District

Macon County

All Fish	- 2 Pole and Line Fishing Only (1)
Trout	- Spring Closed Season (11)

Spring Lake, City of Macomb

McDonough County

Recreational Use Restrictions	- All live bait ≥in excess of 8" must be rigged with a quick set rig (43)
All Fish	- 2 Pole and Line Fishing Only (1) (5)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Striped, White, or Hybrid Striped Bass	- 17" Minimum Length Limit
Striped, White, or Hybrid Striped Bass (16)	- 3 Fish Daily Creel Limit

Spring Lakes (North & South), Spring Lake Conservation Area (33)

Tazewell County

Recreational Use Restrictions	- All live bait ≥in excess of 8" must be rigged with a quick set rig (43)
All Fish	- 2 Pole and Line Fishing Only (1) (5)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Pure Muskellunge	- 48" Minimum Length Limit (40)
White, Black, or Hybrid Crappie (15)	- 25 Fish Daily Creel Limit
White, Black, or Hybrid Crappie	- 9" Minimum Length Limit

Spring Pond, Flagg-Rochelle Park District
Ogle County

All Fish	- 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

Starved Rock State Park (33)
LaSalle County

Staunton City Lake, City of Staunton
Macoupin County

Recreational Use Restrictions	- All live bait ≥in excess of 8" must be rigged with a quick set rig (43)
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Pure Muskellunge	- 36" Minimum Length Limit

Stephen A. Forbes State Park (33) (see also Forbes State Lake and Forbes State Park Ponds)
Marion County

Sterling Lake, Lake County Forest Preserve District
Lake County

Recreational Use Restrictions	- All live bait ≥in excess of 8" must be rigged with a quick set rig (43)
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 3 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Pure Muskellunge	- 48" Minimum Length Limit
Walleye, Sauger, or Hybrid Walleye	- 16" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Storm Lake, DeKalb Park District

DeKalb County

- | | |
|-------------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |

Stump Lake Wildlife Management Area (19)

Jersey County

Tampier Lake, Cook County Forest Preserve District

Cook County

- | | |
|--|-------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (36) |
| Bluegill, Redear, or Pumpkinseed Sunfish
(14) | - 15 Fish Daily Creel Limit |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |
| Walleye, Sauger, or Hybrid Walleye | - 18" Minimum Length Limit |
| White, Black, or Hybrid Crappie (15) | - 15 Fish Daily Creel Limit |

Taylorville Park District Pond, Taylorville Park District

Christian County

- | | |
|----------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Trout | - Spring Closed Season (11) |
| Trout | - Fall Closed Season (10) |

Ten Mile Creek Lakes, Ten Mile Creek State Fish and Wildlife Area

Hamilton/Jefferson Counties

(Areas designated as waterfowl rest areas are closed to all access during the Canada goose season only)

- | | |
|-------------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass (14) | - 3 Fish Daily Creel Limit |

Three Oaks North Lake, City of Crystal Lake

McHenry County

- | | |
|----------|--------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| All Fish | - Catch and Release Fishing Only (9) |

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Three Oaks South Lake, City of Crystal Lake
McHenry County

- All Fish - 2 Pole and Line Fishing Only (1)
- All Fish - Catch and Release Fishing Only (9)

Tilton City Lake, City of Tilton
Vermilion County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 3 Fish Daily Creel Limit
- Bluegill or Redear Sunfish (14) - 15 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Toledo Reservoir, City of Toledo
Cumberland County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Tri-Township Park Pond, City of Troy
Madison County

- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Turkey Bluff Ponds, State of Illinois
Randolph County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large and Smallmouth Bass - 15" Minimum Length Limit
- Large and Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Turner Lake, Chain O'Lakes State Park
Lake County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit

Tuscola City Lake, City of Tuscola
 Douglas County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

Union County Fish and Wildlife Area – All lakes and ponds

Union County

(All fishing and boat traffic prohibited from October 15 through the last day of February)

- All Fish - 2 Pole and Line Fishing Only (1) (5)
- Channel Catfish - 6 Fish Daily Creel Limit

Valley Lake, Wildwood Park District
 Lake County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Valmeyer Lake, City of Valmeyer
 Monroe County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Vanhorn Woods Pond, Plainfield Park District
 Will County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Vernor Lake, City of Olney

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Richland County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

Villa Grove East Lake, City of Villa Grove

Douglas County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

Villa Grove West Lake, City of Villa Grove

Douglas County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 18" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
- Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
- Striped, White, or Hybrid Striped Bass (16) - 1 Fish Daily Creel Limit
- Trout - Fall Closed Season (10)

Virginia City Reservoir, City of Virginia

Cass County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit

Waddams Creek

Stephenson County

- Trout - Spring Closed Season (11)

Walnut Point Lake, Walnut Point State Fish and Wildlife Area

Douglas County

- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) - 15 Fish (either singly or in aggregate) Daily Creel Limit, of which only 5 fish can be \geq 8" ~~or longer~~
- Channel Catfish - 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Large or Smallmouth Bass - 12-15" Slot Length Limit (3)

Walton Park Lake, City of Litchfield

Montgomery County

All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Wampum Lake, Cook County Forest Preserve District

Cook County

All Fish - 2 Pole and Line Fishing Only (1) (36)
 Bluegill, Redear, or Pumpkinseed Sunfish - 15 Fish Daily Creel Limit
 (14)
 Large or Smallmouth Bass - 14" Minimum Length Limit
 White, Black, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

Washington County Lake, Washington County Conservation Area

Washington County

All Fish - 2 Pole and Line Fishing Only (1) (5)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
 Striped, White, or Hybrid Striped Bass - 3 Fish Daily Creel Limit
 (16)

Washington Park Lagoon, Chicago Park District

Cook County

All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 4 Fish Daily Creel Limit

Washington Park Pond, Springfield Park District

Sangamon County

All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 3 Fish Daily Creel Limit
 Trout - Fall Closed Season (10)
 Trout - Spring Closed Season (11)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Watseka City Ponds (Clements Pond, Kapers Pond and Municipal Center Pond),

City of Watseka

Iroquois County

All Fish

- 2 Pole and Line Fishing Only
(1)

Channel Catfish

- 3 Fish Daily Creel Limit

White, Black, or Hybrid

- 9" Minimum Length Limit

Crappie

White, Black, or Hybrid

- 10 Fish Daily Creel Limit

Crappie (14)

Large or Smallmouth Bass

- 15" Minimum Length Limit

Large or Smallmouth Bass

- 3 Fish Daily Creel Limit

(14)

Waverly Lake, City of Waverly

Morgan County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 15" Minimum Length Limit

Weinberg-King Pond, Weinberg-King State Park

Schuyler County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

Weldon Springs Lake, Weldon Springs State Park

DeWitt County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 15" Minimum Length Limit

Large or Smallmouth Bass (14)

- 1 Fish Daily Creel Limit

West Frankfort New City Lake, City of West Frankfort

Franklin County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 15" Minimum Length Limit

Large or Smallmouth Bass (14)

- 3 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

West Frankfort Old City Lake, City of West Frankfort

Franklin County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

West Salem Reservoir, City of West Salem

Edwards County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

Whalon Lake, Forest Preserve District of Will County

Will County

- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) - 15 Fish Daily Creel Limit
- Channel Catfish - 3 Fish Daily Creel Limit
- Large or Smallmouth Bass - 18" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

White Hall City Lake, City of White Hall

Greene County

- All Fish - 2 Pole and Line Fishing Only (1) (5)
- Channel Catfish - 6 Fish Daily Creel Limit

White Oaks Park Lake, City of Bloomington

McLean County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Wilderness Pond, Fox Ridge State Park

Coles County

- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) - 5 Fish Daily Creel Limit
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 18" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Wildlife Prairie State Park, State of Illinois

Peoria County

- Recreational Use Restrictions - All live bait ~~>in excess of~~ 8" must be rigged with a quick set rig (43)
- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 12-18" Protected Slot Length Limit (no possession allowed within the protected slot length limit)
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
- White, Black or Hybrid Crappie - 9" Minimum Length Limit
- White, Black or Hybrid Crappie (15) - 25 Fish Daily Creel Limit
- Pure or Hybrid Muskellunge - 42" Minimum Length Limit

William W. Powers Conservation Area (33)

Cook County

Willow Lake, Peabody River King State Conservation Area

St. Clair County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- White, Black, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit
- White, Black, or Hybrid Crappie - 9" Minimum Length Limit
- Trout - Fall Closed Season (10)

Wolf Lake, William W. Powers Conservation Area (33)

Cook County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

Woodford Co. Cons. Area (Fishing Ditch), Woodford County Conservation Area (33)

Woodford County

- All Fish - 2 Pole and Line Fishing Only (1)

Woodlawn Pond, Frankfort Square Park District

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Will County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Wyman Lake, City of Sullivan

Moultrie County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
- Trout - Spring Closed Season (11)

Yellow Creek

Stephenson County

- Trout - Spring Closed Season (11)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 810.70 Free Fishing Days

| During the period of June ~~8, 9, 10, 11, 2012~~~~10, 11, 12 and 13, 2011~~, it shall be legal for any person to fish in waters wholly or in part within the jurisdiction of the State, including the Illinois portion of Lake Michigan, without possessing a sport fishing license, salmon stamp or inland trout stamp.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Spinal Cord Injury Paralysis Cure Research Code
- 2) Code Citation: 77 Ill. Adm. Code 570
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
570.100	New
570.200	New
570.300	New
570.400	New
570.500	New
570.600	New
570.700	New
570.800	New
570.900	New
570.1000	New
570.1100	New
570.1200	New
570.1300	New
- 4) Statutory Authority: Section 6z-49 of the State Finance Act [30 ILCS 105/6z-49]
- 5) A Complete Description of the Subjects and Issues Involved: The rules in Part 570 set forth the requirements for the Illinois Department of Public Health to award grants to medical research facilities located in Illinois to conduct research to find a cure for spinal cord injury paralysis. The rules will implement Public Act 91-737, which amended the State Finance Act to authorize the Department of Public Health to use moneys in the Spinal Cord Injury Paralysis Cure Research Trust Fund for this purpose.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect. The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the Illinois Register.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not impose a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register to:
- Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761
- 217/782-2043
e-mail: dph.rules@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Nonprofit medical research institutions with their principal place of business located in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: Grant recipients shall return a signed grant agreement to the Department in the specified time period and shall comply with the provisions of the grant agreement. Grant recipients will be required to provide quarterly reports to the Department on the status of the research project.
- C) Types of professional skills necessary for compliance: Skills required to conduct medical or clinical research on spinal cord injury paralysis.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETYPART 570
SPINAL CORD INJURY PARALYSIS CURE RESEARCH CODE

Section	
570.100	Definitions
570.200	Referenced Materials
570.300	Eligibility for Grants
570.400	Grant Requirements
570.500	Research Requirements
570.600	Application Requirements
570.700	Review of Applications
570.800	Grant Awards, Terms and Conditions
570.900	Use of Grant Funds
570.1000	Termination of the Grant Agreement
570.1100	Grant Funds Recovery
570.1200	Reporting
570.1300	Administrative Hearings

AUTHORITY: Implementing and authorized by Section 6z-49 of the State Finance Act [30 ILCS 105/6z-49].

SOURCE: Adopted at 35 Ill. Reg. _____, effective _____.

Section 570.100 Definitions

Act – the State Finance Act.

Applicant – an entity that applies for a grant under this Part *to conduct research to find a cure for spinal cord injury paralysis*. (Section 6z-49 of the Act)

Benefits – compensation that is in addition to direct wages or salary, including paid time off, pension, social security and insurance.

Business day – means any day, including Monday through Friday. It does not include a federal or State government declared holiday, Saturday or Sunday.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

Calendar day – all days in a month or prescribed time frame. It includes weekends and federal or State government declared holidays.

Certified mail – mail for which proof of delivery is obtained.

Department – the Illinois Department of Public Health.

Director – the Director of the Illinois Department of Public Health.

Equipment cost – the cost of movable equipment, including movable medical equipment, and the cost of making this equipment operational (e.g., installation costs).

Fiscal year – the financial operating year of Illinois State government. It begins on July 1 and ends on June 30 of the next calendar year.

Fund – the Spinal Cord Injury Paralysis Cure Research Trust Fund in the State Treasury.

Grant agreement – the agreement entered into between the Department and any grant recipient for the use of grant funds under this Part.

Grant funds – public funds dispensed by the Department to any person or entity for obligation, expenditure or use for a specific purpose. (Section 2(b) of the Illinois Grant Funds Recovery Act)

Grant recipient – an entity that receives a grant under this Part *to conduct research to find a cure for spinal cord injury paralysis. (Section 6z.49 of the Act)*

Institutional Review Board or IRB – any board, committee or other group formally designated by an Illinois licensed hospital research facility to conduct an initial review of, to approve the initiation of, and to conduct periodic review of all biomedical research involving human subjects.

Nonprofit medical research institution – a corporation, association, partnership, nonprofit organization, governmental entity or other legal entity that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code and conducts basic or applied research to aid the body of knowledge in the field of medicine.

DEPARTMENT OF PUBLIC HEALTH

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Spinal cord paralysis research by nonprofit medical institutions may include, but is not limited to, human, clinical, animal or laboratory research.

Personal services – costs associated with wages and salaries for individuals employed by the grantee.

Principal investigator – the person with primary responsibility for conducting a spinal cord injury paralysis research project.

Supplies – general purpose consumable items that have a shorter life span than equipment and that are stocked for recurring use.

Travel – the cost incurred by a grantee's employee to travel to fulfill specific job requirements. These costs could include, but not be limited to, air travel, local transportation, per diem, mileage allowance and lodging.

Section 570.200 Referenced Materials

The following materials are referenced in this Part:

- a) Illinois Statutes
 - 1) Illinois Grant Funds Recovery Act [30 ILCS 705]
 - 2) State Finance Act [30 ILCS 105]
- b) Illinois Administrative Rules
Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
- c) Federal Statutes
 - 1) Internal Revenue Code (26 USC 501)
 - 2) Health Insurance Portability and Accountability Act of 1996 (42 USC 1320d-2)

Section 570.300 Eligibility for Grants

To be eligible to receive a grant from the Fund, the applicant shall:

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- a) Be an Illinois non-profit medical *research* entity with *facilities located in Illinois*, with its principal place of business located in Illinois, and that conducts medical or clinical *research to find a cure for spinal cord injury paralysis*; and
- b) Demonstrate that the moneys from the fund will be used to *conduct research* dedicated to finding *a cure for spinal cord injury paralysis*. (Section 6z-49 of the Act)

Section 570.400 Grant Requirements

- a) Grant recipients shall comply with all applicable provisions of this Part.
- b) Grant recipients shall use the grant award *to conduct research to find a cure for spinal cord injury paralysis*. (Section 6z-49 of the Act)
- c) Grant recipients shall return a signed grant agreement to the Department in the specified time period and shall comply with the provisions of the grant agreement.
- d) All research funded by grants shall be conducted in Illinois.
- e) No grant funds shall be used for facility construction, lobbying, legal or accounting expenses, or utilities.

Section 570.500 Research Requirements

- a) All research shall at all times comply with all applicable federal laws, including, but not limited to, the Health Insurance Portability and Accountability Act. Grantees shall at all times ensure that the personal health information of participants in the research project is protected and kept confidential.
- b) Grantees shall obtain the written informed consent of all research participants.

Section 570.600 Application Requirements

- a) Applications shall be submitted to the Department through the website established for this purpose or at the following address:

Spinal Cord Injury Paralysis Cure Research Trust Fund Grants

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Illinois Department of Public Health
Division of Emergency Medical Systems & Highway Safety
422 South 5th Street, 3th Floor
Springfield IL 62701

- b) Faxed and e-mailed applications will not be accepted.
- c) Applications shall be submitted on the form prescribed by the Department and shall include, at a minimum, the following:
 - 1) The legal name of the applicant;
 - 2) The applicant's address, telephone number, fax number, and e-mail address;
 - 3) The applicant's Federal Employer Identification Number (FEIN);
 - 4) The name, title and address of the applicant's corporate officers and key managers;
 - 5) The name, address, e-mail and phone number of the principal investigator and the secondary contact designated by the applicant to be responsible for administering the grant funds;
 - 6) A detailed description of the spinal cord injury paralysis research for which grant funding is requested, including:
 - A) A statement of the research question or hypothesis or a description of interventions or model programs on which the research will be based;
 - B) A prioritized listing of measurable objectives for the research during the time period of the grant;
 - C) Proposed activities for experiments, scientific rationale, and relevant reference to existing works;

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- D) The evaluation methods to be used to measure progress in achieving objectives and a plan for monitoring the overall project; and
- E) The written guidelines under which the research will proceed;
- 7) An agreement by the applicant that, if awarded a grant, the grant will be used *to conduct research to find a cure for spinal cord injury paralysis* (Section 6z-49 of the Act);
- 8) The signature of the principal investigator and agency official authorized to certify the application;
- 9) An approximate timetable for research expenditures and completion;
- 10) Background data and information justifying the project;
- 11) A detailed budget for the period of the grant agreement, documenting sufficient resources to carry out the research. The budget shall list the total dollar amount needed for the project, including the amount to be provided by the applicant and other funding sources and the amount of funding requested through the grant. The applicant shall identify all revenue sources and amounts and provide budget estimates, including expenditures for the duration of the project. The budget shall include the following costs (if applicable):
 - A) Personal services, including salaries and hourly compensation for officers, directors, and key employees;
 - B) Benefits;
 - C) Travel;
 - D) Commodities/supplies;
 - E) Equipment costs;
 - F) Contractual services;

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- G) Printing;
 - H) Telecommunications;
 - I) Patient/client care; and
 - J) Administrative costs;
- 12) Documentation of approval from the IRB of the project and the written guidelines under which the project will proceed.

Section 570.700 Review of Applications

- a) The grant cycle runs from July 1-June 30.
- b) The Department will review applications for compliance with the requirements of this Part. During the course of its review, the Department may contact the applicant for additional information if the information provided is incomplete, inconsistent or unclear.
- c) Once the Department determines that applications are complete, grant proposals will be forwarded to the Medical Director of the Office of Preparedness and Response for review and oversight of the review process. If needed, the Department may consult an advisory committee of experts in medical or spinal cord paralysis research.
- d) After review by the Office of Preparedness and Response, the Department's Grant Review Committee will review the applications. The Grant Review Committee will review and rank the applications using the following criteria:
 - 1) The activities identified by the applicant will lead to achievement of the research objectives;
 - 2) The project objectives are achievable in the stated time frame;
 - 3) The evaluation methods measure progress toward the identified objectives;

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- 4) The budget provides sufficient resources that include, but are not limited to, staff, equipment and supplies, and justifies the need for funds to carry out the project;
- 5) The investigators, especially the principal investigator, have a history of conducting and completing scientific research on time, on budget and as planned;
- 6) The investigators, especially the principal investigator, have significant expertise in biotechnology and have a reputation for innovation and for developing practical applications for biotechnology;
- 7) The applicant has the facilities and resources to complete the research project as described;
- 8) The research leads to or involves clinical trials;
- 9) The spinal cord injury research project has the greatest potential, based on the information presented in the application, for therapies and cures;
- 10) The research is likely to lead to new therapies, treatments or cures for spinal cord injury paralysis, based on the information presented in the application;
- 11) The research will lead to patents, articles in peer-reviewed journals or additional grant funding;
- 12) The research project will develop or refine the understanding of any ethical, legal or social issues raised by spinal cord injury paralysis research;
- 13) The project proposes novel ideas and approaches to develop the ideas;
- 14) The project proposes spinal cord injury paralysis research that may attract venture capital for biotechnology start-up companies in Illinois;
- 15) The research is likely to accelerate the pace at which basic and preclinical findings are translated into clinical benefits;

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- 16) The project proposes collaborative and interdisciplinary research among investigators, whether at the same or different institutions; and
 - 17) Funding the project will increase awareness and understanding of spinal cord injury paralysis research.
- e) Upon completion of the grant review process, the Department will award grants to the applicant or applicants that best meet all of the requirements of the Act and this Part.
 - f) Applicants whom the Department determines not to be eligible for grant funds will be notified in writing of this decision.
 - g) Distribution of grants is dependent on available funding. The amount of the award will be based on the amount requested by the applicant, the recommendation of the Grant Review Committee and the amount available in the Fund for distribution. The amount awarded will not exceed the amount requested by the applicant.
 - 1) The Grant Review Committee will set forth its analyses and recommendations concerning the grant applications, the rank order of the applications, and the amount of the grant, if any. The Committee may approve part of an application and recommend partial funding (see Section 570.800)
 - 2) After the Grant Review Committee ranks the applications, the Committee will decide which applications to fund, based on the review criteria in this Section. If the amount of recommended funding exceeds the total amount for awards, the Committee may approve reduced funding for one or more applicants. Those applicants offered reduced funding may decline; if they accept, they shall submit a revised budget.
 - h) Applicants shall submit a new application each State fiscal year to be considered for funding. Applications are applicable only to the State fiscal year in which the applications are received, with the exception of multiple year grants.

Section 570.800 Grant Awards, Terms and Conditions

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To issue a grant award, the Department and grantee will enter into a grant agreement. This agreement will describe the requirements the grantee must fulfill, based on the goals and objectives in the application, and how the grantee will ensure compliance with all applicable stipulations and conditions.

- a) The Grant Review Committee may award all of the requested funds to the applicants that are selected for funding, or may award reduced funding for one or more applicants. The Committee's decision will include, but not be limited to, the following:
 - 1) The total amount of grant funds available;
 - 2) The number of grant proposals selected for funding;
 - 3) Whether a selected project contains elements that the Committee determines, based on the review process in Section 570.700, should not be funded or should be partially funded; and
 - 4) Whether the requested funding exceeds the described activities of the research project, based on the review process in Section 570.700.
- b) If the Committee determines that the number of selected projects must be reduced to accommodate the amount of grants funds available, the criteria in Section 570.700 will be used to reduce the number of projects.
- c) The Department will prepare award transmittal letters and a grant agreement for approved projects. Mailing of the transmittal letter and grant agreement to the applicant for acceptance shall constitute notification of award.
- d) Applicants whom the Department determines not to be eligible for grant funds will be notified in writing of this decision.
- e) The grant agreement will contain, at a minimum, the following:
 - 1) Identifying information of the grantee, including name, mailing address, phone number, fax number and e-mail address;
 - 2) A description of the grant's purpose;

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- 3) Information on how quarterly payments to the grantee will be made;
 - 4) A detailed budget of permissible expenditure of grant funds;
 - 5) Reporting requirements applicable to the grant, including the filing of quarterly reports, at a minimum, that describe the project's progress and a detailed report of funds expended, according to the budget;
 - 6) The time period of the grant; and
 - 7) Certification that the grantee will comply with all applicable provisions of the Illinois Grant Funds Recovery Act.
- f) Grant funds that the grantee does not expend or obligate by the end of the grant agreement shall be returned to the Department within 45 calendar days (see Section 4(b)(5) of the Illinois Grant Funds Recovery Act). The 45-calendar-day time frame begins the day after the grant agreement expires. Returned funds will be deposited into the fund from which the original grant disbursement to the grantee was made.
- g) Grantees are required to keep complete and accurate accounting records of all grant funds received from the Department.
- h) If a grantee dispenses part or all of the grant funds to another person or entity for obligation or expenditure, those dispensed funds shall be viewed and treated as grant funds. Thus, the person or entity that receives the grant funds from the grantee will be subject to all applicable Sections of this Part (see Section 12 of the Illinois Grant Funds Recovery Act).

Section 570.900 Use of Grant Funds

- a) The entire amount of the grant award shall be used for *research to find a cure for spinal cord injury paralysis* as set forth in the grant agreement and budget. (Section 6z-49 of the Act)
- b) Any research facilities located in Illinois applying for the grant under this Part shall not receive more than one grant from the Fund each fiscal year.

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- c) The grantee shall assure that the investigators fulfill the grant requirements and the requirements for the fiscal and legal management of a research project that is funded with a grant.
- b) All grants shall be subject to all requirements and limitations imposed by Illinois law, including, without limitation, the Illinois Grant Funds Recovery Act.

Section 570.1000 Termination of the Grant Agreement

The agreement may be terminated immediately without recourse or further payment being required if the General Assembly fails to appropriate or otherwise make available sufficient funds for the award, or if sufficient funds are not available in the Spinal Cord Injury Paralysis Cure Research Trust Fund, a special fund in the State Treasury. A denial or termination due to the General Assembly's failure to appropriate funds is not subject to the notice and hearing requirements of this Part.

Section 570.1100 Grant Funds Recovery

Grants made under this Part are subject to the provisions of the Illinois Grant Funds Recovery Act. If a provision of this Part conflicts with a provision of that Act, then the provision of the Illinois Grant Funds Recovery Act controls.

- a) If a grantee fails to comply with this Part or the terms of the grant agreement, the Department, after notice and opportunity for hearing, shall suspend or revoke the grant or recover any grant funds previously disbursed to the grantee.
- b) If the Department believes that a grant should be suspended, revoked or recovered because of a grantee's failure to comply with this Part or the terms of the grant agreement, the grantee shall have the opportunity for at least one informal hearing before the Department or the Department's designee to determine the facts and issues and to resolve any conflicts as amicably as possible before any formal recovery action is taken.
- c) If, based on the outcome of the informal hearing, the Department believes that a grant should be suspended, revoked or recovered because of a grantee's failure to comply with this Part or the terms of the grant agreement, written notice of the proposed action shall be given to the grantee identifying the action to be taken and specific facts that permit the action. The grantee shall have 35 calendar days after

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the receipt of the notice to request a formal hearing (see 77 Ill. Adm. Code 100) to show why the action is not justified or proper.

- d) If a grantee requests a hearing pursuant to subsection (c), the Department shall hold a hearing at which the grantee or the grantee's attorney is permitted to present evidence and witnesses to show why the action should not be taken.
- e) After the conclusion of the hearing, the Department shall issue a written final order setting forth its findings of fact and decision. A copy of the order shall be sent to the grantee.
- f) The Department may suspend payment of grants at any time for failure to comply with Section 570.1200 or in any situation that constitutes a threat to the public health, safety or welfare. Notice of opportunity for hearing will be provided with the notice of suspension. If a grantee requests a hearing pursuant to subsection (c), the Department may not take any action of recovery until at least 35 calendar days after the Department has issued a final recovery order pursuant to subsection (e). If a grantee does not request a hearing, the Department may proceed with recovery of the grant funds identified in the notice at any time after the expiration of the 35 calendar day request period established in subsection (c).
- g) Any notice or mailing required or permitted by this Part shall be deemed received five business days after the notice or mailing is deposited in the U.S. mail, properly addressed with the grantee's current business address and with sufficient U.S. postage affixed.

Section 570.1200 Reporting

Failure of a grantee to comply with the requirements of this Section shall result in the Department's withholding future grant funds to the grantee (see Section 4.1 of the Illinois Grant Funds Recovery Act).

- a) Quarterly Progress Report. Each grantee shall submit (at a minimum) written progress reports to the Department every three months. The reports are due within 10 calendar days after the quarterly reporting period has expired (see Section 4(b)(2) of the Illinois Grant Funds Recovery Act).
- b) The quarterly progress reports and annual reports shall include the following information:

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- 1) Current status of the research project;
 - 2) Project components finished and project components yet to be finished;
 - 3) Costs incurred to date and an itemized listing of the total current estimated project costs compared to the approved amounts;
 - 4) Signature of an authorized official of the grantee stating that this is a true and complete report on the project's status; and
 - 5) A detailed report of how grant funds were expended.
- c) Final Report. Grantees shall submit a final report within 60 calendar days after the conclusion of the grant period. The degree to which each objective in the grant proposal has been met shall be fully addressed in this report. The final report shall contain the following information:
- 1) A brief narrative summarizing project accomplishments;
 - 2) A description of any problems that developed and how they were addressed;
 - 3) A listing of all project costs and sources of funds for the grant period.
 - 4) A certification, in the form of a notarized statement signed by an authorized representative of the grantee, attesting that:
 - A) All funds attributed to the grant have been expended;
 - B) The costs reported are the final costs required to complete the research project and there are no additional or associated costs; and
 - C) Funds used for the project were approved by the Department.
 - 5) A grantee's failure to comply with the requirements of this Section will be considered a material breach of the performance required by the grant agreement and shall be the basis to initiate proceedings to recover all grant funds disbursed to the grantee.

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Section 570.1300 Administrative Hearings

The Department's rules titled Practice and Procedure in Administrative Hearings apply to proceedings conducted under this Part. Where the terms "license" and "licensing" are used in those rules, the definitions of those terms shall be expanded to include a grant applicant, a grantee awarded funds, and a grant agreement executed under this Part.

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- 1) Heading of the Part: AIDS Drug Assistance Program
- 2) Code Citation: 77 Ill. Adm. Code 692
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
692.5	New
692.10	Amend
692.15	New
692.20	New
692.APPENDIX A	Repeal
692.APPENDIX B	Amend
- 4) Statutory Authority: Implementing the [Ryan White HIV/AIDS Treatment Extension Act of 2009 \(Public Law 111-87\)](#) and authorized by Section 315 of the Civil Administrative Code of Illinois [20 ILCS 2310/315]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking amends the rules for the Illinois AIDS Drug Assistance Program (ADAP) to reflect changes required in the Department's federal grant. Definitions were also added to better explain these changes. It also references new assistance programs in Illinois including Medicare Part D, Extra Help and Illinois Cares Rx. A new Section setting providing application requirements is being added. Appendix A is being repealed because federal poverty guidelines change annually.

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

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.
- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: Health Resources and Services Administration (HRSA) notice of grant award requirements and the establishment of various programs including Medicare Part D, Extra Help and Illinois Cares Rx. The Ryan White program has since been re-titled to the Treatment Extension Act.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes; when adopted, will replace Ill. Adm. Code 692, 35 Ill. Reg. 16105

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rule will not affect any unit of local government that would require expenditure of local funds. The program is federally funded and supplemented by State GRF. All operations of the program are managed by the Department.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:
- Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761
- 217/782-2043
e-mail: dph.rules@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None. This is a statewide program administered by the Department. Medications are through mail order and sent to the client's designated address.
- B) Reporting, bookkeeping or other procedures required for compliance: None outside of the Department's responsibility.
- C) Types of professional skills necessary for compliance: NA
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent Regulatory Agendas because the need for the rulemaking was not apparent when the Regulatory Agendas were prepared.

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The full text of the Proposed Amendments is identical to that of the Emergency Amendments for this rulemaking and begins in this issue of the *Illinois Register* on page 16105.

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- 1) Heading of the Part: Regulations under Illinois Securities Law of 1953
- 2) Code Citation: 14 Ill. Adm. Code 130
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
130.200	Amended
130.210	Amended
130.270	Amended
130.280	Amended
130.420	Amended
130.436	Amended
130.502	Amended
130.510	Amended
130.525	Amended
130.530	Amended
130.630	Amended
130.730	Amended
130.810	Amended
130.820	Amended
130.821	Amended
130.822	Amended
130.823	Amended
130.826	Amended
130.827	Amended
130.829	Amended
130.832	Amended
130.838	Amended
130.839	Amended
130.840	Amended
130.841	Amended
130.842	Amended
130.843	Amended
130.846	Amended
130.852	Amended
- 4) Statutory Authority: 815 ILCS 5
- 5) A Complete Description of the Subjects and Issues Involved: Section 130.200 changes the name of the self-regulatory agency from NASD to FINRA throughout the definitions.

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All subsequent amended sections reflect the NASD to FINRA change as well as update outdated cites by reference. Sections 130.525 through 130.730 and 130.839 update a form reference from U-4 to U4, and U-5 to U5. Sections 130.822 and 130.832 add language to clarify which examinations meet registration requirements.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed amendments reflect changes in names and dates and are intended for clarification and clean up of the regulations.
- 12) Time, Place and Manner in which interested parties may comment on this proposed rulemaking: All comments must be in writing.

Tanya Solov, Director
IL Securities Dept.
69 W. Washington St.
Suite 1220
Chicago, IL 60602

312/793-2525

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Applies solely to firms that are registered or required to be registered in the State of Illinois.
 - B) Reporting, bookkeeping and other procedures required for compliance: No new requirements are included in these amendments.

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- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2011

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

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TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATEPART 130
REGULATIONS UNDER ILLINOIS SECURITIES LAW OF 1953

SUBPART A: RULES OF GENERAL APPLICATION

Section	
130.100	Business Hours of the Securities Department
130.101	Computation of Time
130.110	Payment of Fees
130.120	Place of Filing
130.130	Date of Filing
130.135	Registration of Securities under Section 5 or 7 of the Act Utilizing the SRD
130.140	Requirements as to Proper Form
130.141	Additional Information
130.142	Additional Exhibits (Repealed)
130.143	Information Unknown or Not Reasonably Available
130.144	Requirements as to Paper, Printing, and Language
130.145	Number of Copies – Signatures
130.190	Provisions for Granting of Variance from Rules

SUBPART B: DEFINITIONS

Section	
130.200	Definitions of Terms Used in the Act and the Rules
130.201	Definition of the Term "Investment Contract", as Used in Section 2.1 of the Act
130.202	Definition of the Term "Fractional Undivided Interest", as Used in Section 2.1 of the Act with Reference to Oil and/or Gas Leases, Rights or Royalties
130.205	Definition of the Term "Issuer" as Used in Section 2.2 of the Act as Applied to Fractional Interests in Oil, Gas and Other Mineral Leases, Rights or Royalties
130.210	Definition of Acts Not Constituting a "Sale" or "Offer" as Used in Section 2.5 or 2.5a of the Act
130.211	Definition of Acts Not Constituting an "Offer" of Securities under Section 5, 6, 7 or 8 of the Act
130.212	Definition of Acts Not Constituting an "Offer" Under Section 2.5a of the Act (Testing the Waters)

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- 130.215 Definition of "Commission From an Underwriter or Dealer Not in Excess of the Usual and Customary Distributors' or Sellers' Commissions", as Used in Section 2.6 of the Act for Certain Transactions
- 130.216 Definition of "Participates" and "Participation", as Used in Section 2.6 of the Act in Relation to Certain Transactions
- 130.220 Definition of "Regularly Engaged in Securities Sales Activities", as Used in Section 2.9 of the Act
- 130.221 Exclusion of Certain Persons from the Definition of Investment Adviser in Section 2.11 of the Act
- 130.225 Definition of "Investment Fund Shares", as Used in Section 2.15 of the Act in Relation to Certain Issuers
- 130.233 Definition of the Phrase "Promissory Note or Draft, Bill of Exchange or Bankers' Acceptance" as Used in Section 3(L) of the Act
- 130.234 Definition, For Certain Purposes, of the Terms "Employee Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.N and Section 3.O of the Act (Repealed)
- 130.235 Definition, For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.O of the Act (Repealed)
- 130.241 Definition of the Term "Institutional Investor" under Sections 4C and 4D of the Act
- 130.242 Definition of the Term "Financial Institution" under Section 4.C of the Act
- 130.244 Definition of "Issuer Required to File Reports Pursuant to the Provisions of Section 13 or Section 15(d) of the Federal 1934 Act" with Respect to Certain Foreign Private Issuers and "Reports Required to be Filed at Regular Intervals Pursuant to the Provisions of Section 13 or Section 15(d)" as Used in Section 4(F)(1) of the Act
- 130.245 Definition of the Terms "Balance Sheet" and "Income Statement", as Used in Section 4.F of the Act
- 130.246 Definition of the Terms "Residents of this State", "Aggregate Sales Price" and "Sales Made in Reliance Upon the Exemption" Under Section 4.G of the Act and "General Advertising or General Solicitation" Under Sections 4.G, 4.H, 4.M and 4.R of the Act
- 130.247 Definition of the Term "Public" as Used in Section 4(G)(4) of the Act
- 130.248 Definition of the Terms "Offers for Sale" and "Solicitations of Offers to Buy", as Used in Section 4.L of the Act
- 130.250 Definition, For Certain Purposes, of the Terms "Commissions, Remuneration or Discounts", as Used in Section 4 and Section 5 of the Act
- 130.251 Definition of the Term "Maximum Aggregate Price", as Used in Section 5 of the

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- Act
- 130.270 Definition of Certain Persons Not Considered to Be Dealers Under Section 2.7 of the Act
- 130.280 Definition of the Term "Branch Office" of a Registered Dealer, as Used in Section 8 of the Act
- 130.281 Definition of the Term "Branch Office" of a Registered Investment Adviser, as Used in Section 8 of the Act
- 130.282 Definition, For Certain Purposes, of the Term "Officers", as Used in Section 2.9 and Section 8.B.(6) of the Act
- 130.285 Definition, for Certain Purposes, of the Terms "Inequitable", "Tend to Work a Fraud or Deceit", "Inequitable Practice in the Sale of Securities", and "Fraudulent Business Practices", as Used in Section 8 and Section 11 of the Act
- 130.291 Definition of the Terms "Fraudulent" and "Work or Tend to Work a Fraud or Deceit" as Used in Sections 11.E and 12.F of the Act for Purposes of the Payment of Completion Costs in Connection with the Offer or Sale of Securities involving an Oil, Gas or Other Mineral Lease, Right or Royalty

SUBPART C: FEDERAL COVERED SECURITIES AND TRANSACTIONS

- Section
- 130.293 Issuers of Covered Securities Required to File Notifications and Pay Fees and the Refusal to File Notifications or Pay Fees
- 130.370 Automated Quotation System Deemed to Have Substantially Equivalent Standards for Designation as Required By One or More Exchanges Set Forth in Section 3(G) of the Act (Repealed)

SUBPART D: EXEMPT TRANSACTIONS

- Section
- 130.420 Uniform Limited Offering Exemption Pursuant to Section 4.D of the Act
- 130.436 Procedures for Applying for Trading Authorization Pursuant to Section 4(F)(2) of the Act
- 130.440 Procedures for Filing Reports of Sale under Section 4.G of the Act
- 130.441 Calculation of Number of Persons Under Section 4.G or 4.M of the Act
- 130.442 Report of Sale of Securities pursuant to Section 4.G of the Act
- 130.490 Procedures for Filing Reports of Sale under Section 4.P of the Act
- 130.491 Report of Sale of Securities Pursuant to Section 4(P) of the Act
- 130.492 Exemption from Registration for Certain Canadian Broker-Dealers and Agents and for Transactions Effected by Certain Canadian Broker-Dealers

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SUBPART E: REGISTRATION OF SECURITIES

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130.501	Title of Securities
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- 130.APPENDIX A Uniform Consent to Service of Process
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130.APPENDIX C Uniform Application for Broker-Dealer Registration
130.APPENDIX D Subordinated Loan Agreement for Equity Capital

AUTHORITY: Implementing and authorized by the Illinois Securities Law of 1953 [815 ILCS 5].

SOURCE: Filed February 23, 1977, effective March 5, 1977; amended at 5 Ill. Reg. 9139, effective August 27, 1981; amended at 6 Ill. Reg. 6455, effective May 19, 1982; codified at 6 Ill. Reg. 12674; emergency amendment at 7 Ill. Reg. 17427, effective December 31, 1983, for a maximum of 150 days; emergency expired May 31, 1984; emergency amendment at 8 Ill. Reg. 1476, effective January 18, 1984, for a maximum of 150 days; emergency expired June 17, 1984; emergency repealer at 8 Ill. Reg. 3803, effective March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13419, effective July 12, 1984; amended at 8 Ill. Reg. 13840, effective July 19, 1984; emergency amendment at 8 Ill. Reg. 13889, effective July 20, 1984, for a maximum of 150 days; emergency expired December 17, 1984; amended at 9 Ill. Reg. 208, effective December 20, 1984; emergency amendment at 10 Ill. Reg. 393, effective January 1, 1986, for a maximum of 150 days; emergency expired May 30, 1986; amended at 10 Ill. Reg. 10753, effective June 3, 1986; recodified at 10 Ill. Reg. 19554; emergency amendment at 13 Ill. Reg. 11017, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 14 Ill. Reg. 884, effective December 30, 1989; amended at 14 Ill. Reg. 5188, effective March 26, 1990; emergency amendment at 15 Ill. Reg. 14303, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6000, effective March 27, 1992; amended at 20 Ill. Reg. 14185, effective October 21, 1996; amended at 21 Ill. Reg. 7523, effective May 23, 1997; amended at 21 Ill. Reg. 7770, effective May 23, 1997; amended at 21 Ill. Reg. 8415, effective June 20, 1997; emergency amendment at 21 Ill. Reg. 9828, effective July 8, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15892, effective December 1, 1997; amended at 22 Ill. Reg. 1933, effective January 1, 1998; emergency amendment at 24 Ill. Reg. 341, effective December 31, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 7401, effective May 1, 2000; emergency amendment at 25 Ill. Reg. 973, effective January 1, 2001, for a maximum of 150 days; emergency expired May 30, 2001; amended at 25 Ill. Reg. 8817, effective July 6, 2001; amended at 26 Ill. Reg. 14843, effective September 30, 2002; amended at 27 Ill. Reg. 9490, effective June 9, 2003; emergency amendment at 29 Ill. Reg. 15087, effective September 23, 2005, for a maximum of 150 days; emergency expired February 19, 2006; emergency amendment at 30 Ill. Reg. 13009, effective July 11, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18211, effective October 31, 2006; amended at 33 Ill. Reg. 12817, effective September 8, 2009; amended at 34 Ill. Reg. 17783, effective November 3, 2010;

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emergency amendment at 35 Ill. Reg. 4781, effective March 10, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 12810, effective July 14, 2011; amended at 35 Ill. Reg. _____, effective _____.

SUBPART B: DEFINITIONS

Section 130.200 Definitions of Terms Used in the Act and the Rules

- a) As used in the Act and this Part, unless the context otherwise requires, the term:

"Act" means the Illinois Securities Law of 1953 [815 ILCS 5].

"Affiliate" of, or a person "affiliated" with, a specified person means a person who, directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

"Amount", when used in regard to securities, means the principal amount if relating to evidences of indebtedness, the number of shares if relating to shares, and the number of units if relating to any other kind of security.

"Applicant" means the person making application for registration or exemption.

"Certified", when used in regard to financial statements, means examined and reported upon with an opinion expressed by an independent certified public accountant.

"CFTC" means the Federal Commodity Futures Trading Commission.

"Charter" includes articles of incorporation, a declaration of trust, articles of association or partnership, or any similar instrument, as amended, affecting (either with or without filing with any governmental agency) the organization or creation of an incorporated or unincorporated person.

"Correspondent" means the person authorized in the application for registration or exemption to receive notices and communications from the Secretary.

"Controlling Person" as used in Section 4.F of the Act shall not include any sponsor of a unit investment trust after the completion of the initial distribution.

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"CRD" means the computer registration system for the registration of dealers and salespersons known as the "Central Registration Depository" operated by [FINRA](#)~~the NASD~~.

"Customer", as used in Section 130.270 ~~of this Part~~, means any person for whom the futures commission merchant effects or intends to effect transactions in futures, options on futures, or any other instruments subject to CFTC jurisdiction.

"Director" means any director of a corporation or any person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Employee" does not include a director, trustee, or officer.

"Federal 1933 Act" means the Act of the Congress of the United States known as the Securities Act of 1933 (15 USC 77a-77aa).

"Federal 1934 Act" means the Act of Congress of the United States known as the "Securities Exchange Act of 1934" (15 USC 78a-78aa).

"Federal 1936 Act" means the Act of Congress of the United States known as the Commodity Exchange Act of 1936 (7 USC 1 et seq.).

"Federal 1940 Investment Company Act" means the Act of Congress of the United States known as the Investment Company Act of 1940 (15 USC 80a-1 through 80a-52).

"Federal 1940 Investment Advisers Act" means the Act of Congress of the United States known as the Investment Advisers Act of 1940 (15 USC 80b-1 through 80b-21).

"Federal Banking Act of 1933" means 12 USC 227.

"Federal Covered Investment Adviser Representative" means any person with a place of business in this State who is an investment adviser representative of a federal covered investment adviser.

"Federal Public Utility Holding Company Act of 1935" means 15 USC 79 through 79z-6).

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"FINRA" means the self-regulatory organization registered under the Federal 1934 Act, as defined in this Section, known as the Financial Industry Regulatory Authority.

"Fiscal Year" means the annual accounting period or, if no accounting period has been adopted, the calendar year ending on December 31.

"Futures" and "Futures Contracts", as used in Section 130.270-~~of this Part~~, mean contracts of sale of a commodity for future delivery traded on or subject to the rules of a contract market designated by the CFTC or traded on or subject to the rules of any board of trade located outside the United States, its territories or possessions.

"Futures Commission Merchants", as used in Section 130.270-~~of this Part~~, means individuals, associations, partnerships, corporations and trusts engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market and that, in or in connection with such solicitation or acceptance of orders, accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee or secure any trades or contracts that result or may result therefrom.

"Hearing" means a proceeding conducted by the Securities Department in which the rights, privileges, immunities, duties or obligations of any person or party are required by law to be determined by the Secretary only after opportunity for a hearing.

"Hearing Officer" means the designee of the Secretary or the Securities Director who, pursuant to Section 11 of the Act, is designated in the Notice of Hearing to preside at a hearing conducted pursuant to Section 11 of the Act or any person so designated as a substitute hearing officer.

"IARD" means the computer web-based registration system for the registration of investment advisers and investment adviser representatives known as the Investment Adviser Registration Depository operated by [FINRA](#)~~the NASD~~.

"Identifying Statement" means a written or oral communication or advertisement meeting the requirements of Section 130.210(b)(1)-~~of this Part~~.

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"Insolvency" or "Insolvent" means the inability to pay debts and obligations when due or when current liabilities exceed current assets. Any party regulated by this Part claiming insolvency shall file with the Securities Department a balance sheet prepared as of a current date and executed and verified by the chief financial officer of the issuer.

"Internal Revenue Code" means the Internal Revenue Code of 1986 (26 USC 1-9602).

"Majority-Owned Subsidiary" means a subsidiary more than 50% of whose outstanding securities, which represent the right, other than as affected by events of default, to vote for the election of directors, is owned by the subsidiary's parent and/or one or more of the parent's other majority-owned subsidiaries.

"Material", when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which there is a substantial likelihood that a reasonable investor would consider it important in deciding upon a course of action to be taken, including, but without limitation, purchasing, selling or holding the security or securities involved, or accepting or rejecting an offer or proposal made with regard to any security or securities.

~~"NASD" means the self-regulatory organization registered under the Federal 1934 Act, as defined in this Section, known as the National Association of Securities Dealers, Inc.~~

"Nonaccredited Investor", as used in Section 130.420 ~~of this Part~~, means a person who is not a person set forth in Section 4.C, 4.H, 4.R or 4.S of the Act.

"Office", unless otherwise clarified, refers to the Office of the Securities Department of the Secretary of State, and not to any particular address or location.

"Officer" means the president; any vice president in charge of a principal business unit, division or function; the secretary; the treasurer; any principal financial officer, comptroller or principal accounting officer; any other officer performing a principal policy-making function; and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

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"Options on Futures", as used in Section 130.270 ~~of this Part~~, means puts or calls on a futures contract traded on or subject to the rules of a contract market designated by the CFTC or traded or subject to the rules of any board of trade located outside the United States, its territories or possessions.

"Pacific Coast Stock Exchange, Inc." means the Pacific Stock Exchange, Inc.

"Parent" of a specified person means an affiliate controlling such person directly or indirectly through one or more intermediaries.

"Party" means any person named as a petitioner or a respondent in a hearing conducted by the Securities Department.

"Person" means a natural person, a corporation, a partnership, a limited partnership, a limited liability company, a limited liability limited partnership, an association, a joint stock company, a trust or any unincorporated organization, except that, as used in this Section, the word "trust" includes only a trust where the interest or the interests of the beneficiary or beneficiaries are a security.

"Place of Business" of a federal covered investment adviser representative means a location at which the federal covered investment adviser representative provides investment advisory services, solicits, meets with, or otherwise communicates with clients, and any other location that is held out to the general public as a location at which the investment adviser representative provides investment advisory services, solicits, meets with, or otherwise communicates with clients.

"Predecessor" means a person, the major portion of the business and assets of which another person acquired in a single succession or in a series of related successions in each of which the acquiring person acquired the major portion of the business and assets of the acquired person.

"Preliminary Prospectus" means a document meeting the requirements of Section 130.210(b)(2) ~~of this Part~~.

"Principal Underwriter" means an underwriter in privity of contract with the issuer of the securities as to which ~~that~~ person is an underwriter.

"Promoter" means any person who, acting alone or in conjunction with one or more other persons, directly or indirectly takes initiative in founding and

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organizing the business or enterprise of an issuer; or any person who, in connection with the founding and organizing of the business or enterprise of an issuer, directly or indirectly receives in consideration of services or property, or both, 10% or more of any class of securities of the issuer or 10% or more of the proceeds from the sale of any class of securities of the issuer. However, a person who receives the securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not be deemed a promoter within the meaning of this definition if the person does not otherwise take part in founding and organizing the enterprise.

"Prospectus" means any prospectus, notice, circular, advertisement, letter or communication, written or by radio, television or other communications medium that offers any security for sale or confirms the sale of any security; except that a communication sent or given after the effective date of the registration of the security (other than a prospectus permitted under ~~section~~Section 10(b) of the Federal 1933 Act) shall not be deemed a prospectus if it is proved that, prior to or at the same time as the communication, a written prospectus, meeting the requirements of ~~section~~Section 10(a) of the Federal 1933 Act at the time of the communication, was sent or given to the person to whom the communication was made, and a notice, circular, advertisement, letter or communication in respect to a security shall not be deemed to be a prospectus if it states from whom a written prospectus meeting the requirements of Section 5 of the Act may be obtained and, in addition, does no more than identify the security, state the price thereof, state by whom orders will be executed, and contain such other information as the Secretary by this Part deems necessary or appropriate in the public interest and for the protection of investors and, subject to such terms and conditions as may be described therein, may permit.

"Regulated Account", as used in Section 130.270 ~~of this Part~~, means a customer segregation account subject to 17 CFR 1.20 ~~as in effect on (August 1, 1997) (no subsequent amendments or editions)~~; provided, however, that, where such regulations do not permit to be maintained in such an account or require to be maintained in a separate regulated account funds or securities in proprietary accounts or funds or securities used as margin for or excess funds related to futures contracts, options on futures or any other instruments subject to CFTC jurisdiction that trade outside the United States, its territories or possessions, the term "regulated account" means such separate regulated account or any other account subject to 17 CFR 1.31 et seq. ~~as in effect on (August 1, 1997) (no subsequent amendments or editions)~~.

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"Registrant" means the issuer of the securities that are the subject of the application for registration.

"Rules" refers to all rules adopted by the Secretary pursuant to the Act.

"Share" means a share of stock in a corporation or unit of interest in an unincorporated person.

"SEC" means the United States Securities and Exchange Commission.

"Secretary of State" ~~or~~ "Secretary" means the Secretary of State of Illinois.

"Section" refers to a Section of this Part unless a reference to the Act is specifically made.

"Securities Department" means the Securities Department of the Office of the Secretary of State.

"Securities Protection Act of 1970" means the Securities Investor Protection Act of 1970 (15 USC 78aaa et seq.).

"Segregated Customer Funds", as used in Section 130.270 ~~of this Part~~, means funds subject to 17 CFR 1.20 ~~as in effect on~~ (August 1, 1997) ~~(no subsequent amendments or editions)~~.

"SRD" means the automated computer registration system for the registration and renewal of registration of securities, investment fund shares and unit investment trusts registered under the Federal 1933 Act and Federal 1940 Investment Company Act known as the Securities Registration Depository.

"Significant Subsidiary" means a subsidiary ~~for which~~ where:

the assets of the subsidiary, or the investments in and advances to the subsidiary by its parent and the parent's other subsidiaries, if any, exceed 15% of the assets of the parent and its subsidiaries on a consolidated basis;
or

the sales and operating revenues of the subsidiary exceed 15% of the sales

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and operating revenues of its parent and the parent's subsidiaries on a consolidated basis.

In determining whether a subsidiary is a significant subsidiary, such a subsidiary shall be considered in the aggregate with any subsidiaries of which it is the parent.

"State Bond and Mortgage Company" means the company currently known as SBM Certificate Company or any successor company.

"Subsidiary" of a specified person is an affiliate controlled by such person directly or indirectly through one or more intermediaries. (See also "Majority-Owned Subsidiary", "Significant Subsidiary" and "Totally-Held Subsidiary".)

"Succession" means the direct acquisition of the assets comprising a going business, whether by merger, consolidation, purchase, or other direct transfer. The term does not include the acquisition of control of a business unless followed by the direct acquisition of its assets. The terms "succeed" and "successor" have the same meaning as "succession".

"Totally-Held Subsidiary" means a subsidiary substantially all of whose outstanding securities are owned by its parent and/or the parent's other totally-held subsidiaries, and that is not indebted to any person other than its parent and/or the parent's other totally-held subsidiaries in an amount that is material in relation to the particular subsidiary, excepting indebtedness incurred in the ordinary course of business that is not overdue and that matures within one year from the date of its creation, whether evidenced by securities or not.

"Unit Investment Trust" means an investment company ~~that~~which:

is organized under a trust indenture, agency or custodianship contract or similar instrument, does not have a board of directors; and

issues only redeemable securities, each of which represents an undivided interest in a unit of specified securities.

The term "unit investment trust" does not include a voting trust.

"Unsolicited Transaction", as used in Section 130.270 ~~of this Part~~, means a

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transaction that is not effected in a discretionary account or recommended to a customer by the futures commission merchant, an associated person of a futures commission merchant, a business affiliate that is controlled by, controlling, or under common control with, the futures commission merchant, or an introducing broker that is guaranteed by the futures commission merchant.

- b) A Section in this Part that defines a term without express reference to the Act or to this Part defines ~~that~~ term for all purposes as used both in the Act and in this Part. Terms defined in the Act and not defined in this Part have the meanings given them in the Act.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 130.210 Definition of Acts Not Constituting a "Sale" or "Offer" as Used in Section 2.5 or 2.5a of the Act

- a) The transmitting, sending or giving to any person or publishing an identifying statement, circular or preliminary prospectus, notice, advertisement, letter or other communication shall not constitute an "offer" or "sale" as used in Section 2.5 or 2.5a of the Act, provided that the identifying statement, circular or preliminary prospectus, notice, advertisement, letter, or other communication is used in connection with a security which is the subject of a pending application for registration which is on file with the Securities Department of the Office of the Secretary of State under Section 5 of the Act and substantially complies with the provisions of subsection (b) ~~of this Section~~.
- b) For the purpose of this Part, the terms:
- 1) "identifying statement" and "circular" mean a written communication or advertisement or radio or television advertisement meeting the requirements of 17 CFR 230.134 (Rule 134) ~~in effect on (May 31, 2011) January 1, 1996 (no subsequent amendments or editions)~~ under the Federal 1933 Act; and
 - 2) "preliminary prospectus" means a document which contains substantially the information required by the Act to be included in a prospectus meeting the requirements of Section 5 of the Act for the securities being registered, or contains substantially that information except for the omission of information with respect to the offering price, underwriting discounts or

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commissions, discounts or commissions to dealers, amounts of proceeds, conversion rates, call prices, or other matters dependent upon the offering price.

- c) The outside front cover page of the preliminary prospectus shall bear, in red ink, the caption "Preliminary Prospectus", the date of its issuance, and:
- 1) the following statement printed in type as large as that generally in the body of the prospectus:
- "An application for registration relating to these securities has been filed with the Secretary of State of Illinois, but has not yet become effective. Information contained herein is subject to completion or amendment. These securities may not be sold nor may offers to buy be accepted prior to the time the application for registration becomes effective. This prospectus shall not constitute an offer to sell or the solicitation of an offer to buy nor shall there be any sale of these securities prior to registration under the Illinois Securities Law of 1953." ; or
- 2) When~~Or in the alternative where~~ applicable, the statement required by Regulation S-K, Section 229.501, (Item 501)~~(e)(8)~~ in effect on May 31, 2011~~January 1, 1996~~ under the Federal 1933 Act (no subsequent amendments or editions).
- d) This Section shall not apply when the application for registration is the subject of pending proceedings under Section 11 of the Act or of an order of suspension, denial or prohibition entered under such Section.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 130.270 Definition of Certain Persons Not Considered to Be Dealers Under Section 2.7 of the Act

- a) A futures commission merchant registered with the CFTC is not a dealer solely because thesueh futures commission merchant effects transactions in government securities that are defined in subsection (b) ~~of this Section~~ as incidental to thatsueh person's futures-related business.
- b) Transactions that Qualify as Incidental under Subsection (a)

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- 1) ~~The~~Provided that the futures commission merchant:
- A1) maintains in a regulated account as set forth in 17 CFR ~~Part I Sec. 1.20 as in effect on (May 31, 2011)~~July 1, 1989 (no subsequent amendments or editions) all funds and securities associated with ~~the~~such government securities transactions (except funds and securities associated with transactions under subsection (b)(2)(A)(i)~~of this Section~~); and
- B2) does not advertise that it is in the business of effecting transactions in government securities otherwise than in connection with futures or options on futures trading or the investment of margin or excess funds related to ~~such~~ trading or the trading of any other instrument subject to CFTC jurisdiction.
- 23) The following transactions in government securities are incidental to the futures-related business of ~~such~~ a futures commission merchant:
- A) Transactions as agent for a customer:
- i) to effect delivery pursuant to a futures contract; or
- ii) for risk reduction or arbitrage of existing or contemporaneously created positions in futures or options on futures~~;-~~
- B) Transactions as agent for a customer for investment of margin and excess funds related to futures or options on futures trading or the trading of other instruments subject to CFTC jurisdiction, provided further that:
- i) ~~the~~such transactions involve Treasury securities with a maturity of less than 93 days at the time of the transaction;
- ii) ~~the~~such transactions generate no monetary profit for the futures commission merchant in excess of the costs of executing ~~the~~such transactions; or

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- iii) ~~thesueh~~ transactions are unsolicited, and commissions and other income generated on transactions pursuant to this subsection ~~(b)(2)(B)(iii)~~ (including transactional fees paid by the futures commission merchant and charged to its customer) do not exceed 2% of ~~thesueh~~ futures commission merchant's total commission revenues;:-
 - C) Exchange of futures for physicals transactions as agent for or as principal with a customer; and
 - D) Any transaction or transactions that the SEC exempts, either unconditionally or on specified terms and conditions, as incidental to the futures-related business of a specified futures commission merchant, a specified category of futures commission merchants, or futures commission merchants generally.
- c) A person registered with the CFTC, a contract market designated by the CFTC under ~~section~~Section 5 of the Federal 1936 Act, as defined in Section 130.200 ~~of this Part,~~ ~~thesueh~~ a contract market's affiliated clearing organization, or any floor trader on ~~thesueh~~ a contract market (hereinafter referred to collectively as a "CFTC-regulated person") is not a dealer solely because ~~thesueh~~ person effects transactions for its own account in government securities that are defined in subsection (d) ~~of this Section~~ as incidental to ~~thatsueh~~ person's futures-related business.
- d) Provided that a CFTC-regulated person does not advertise or otherwise hold itself out as a dealer except as permitted by 17 CFR ~~240.3a43-1~~~~230.3a43-1 as in effect on (May 31, 2011)~~July 1, 1989 (no subsequent amendments or editions), the following transactions in government securities for its own account are incidental to the futures-related business of ~~such~~ a CFTC-regulated person:
- 1) Transactions to effect delivery of a government security pursuant to a futures contract;
 - 2) Exchange of futures for ~~physicals~~ transactions with:
 - A) a dealer that has registered with the SEC or filed notice pursuant to ~~section~~Section 15C(a) of the Federal 1934 Act, as defined in Section 130.200 of this Part; or

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- B) a CFTC-regulated person.
- 3) Transactions (including repurchase agreements and reverse repurchase agreements) involving segregated customer funds and securities or funds and securities held by a clearing organization with:
- A) a dealer that has registered with the SEC or filed notice pursuant to ~~section~~Section 15C(a) of the Federal 1934 Act, as defined in Section 130.200 of this Part; or
 - B) a bank.
- 4) Transactions for risk reduction or arbitrage of existing or contemporaneously created positions in futures or options on futures with:
- A) a dealer that has registered with the SEC or filed notice pursuant to ~~section~~Section 15C(a) of the Federal 1934 Act, as defined in Section 130.200 of this Part; or
 - B) a CFTC-regulated person.
- 5) Repurchase and reverse repurchase agreement transactions between a futures commission merchant acting in a proprietary capacity and another CFTC-regulated person action in a proprietary capacity and contemporaneous offsetting transactions between such a futures commission merchant with:
- A) a dealer that has registered with the SEC or filed notice pursuant to ~~section~~Section 15C(a) of the Federal 1934 Act, as defined in Section 130.200 of this Part;
 - B) a bank; or
 - C) a CFTC-regulated person.
- 6) Any transaction or transactions that the SEC exempts, either unconditionally or on specified terms and conditions, as incidental to the futures related business of a specified CFTC-regulated person, a specified

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category of CFTC-regulated persons, or CFTC-regulated persons generally.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 130.280 Definition of the Term "Branch Office" of a Registered Dealer, as Used in Section 8 of the Act

- a) A "branch office" is any location where one or more associated persons of a registered dealer regularly conduct the business of effecting any transactions in, or inducing or attempting to induce the purchase or sale of, any security, or is held out as such, excluding:
- 1) Any location that is established solely for customer service and/or back office type functions where no sales activities are conducted and that is not held out to the public as a branch office;
 - 2) Any location that is the associated person's primary residence; provided that:
 - A) Only one associated person or multiple associated persons who reside at that location and are members of the same immediate family, conduct business at the location;
 - B) The location is not held out to the public as an office and the associated person does not meet with customers at the location;
 - C) Neither customer funds nor securities are handled at that location;
 - D) The associated person is assigned to a designated branch office, and that designated branch office is reflected on all business cards, stationery, advertisements and other communications to the public by the associated person;
 - E) The associated person's correspondence and communications with the public are subject to the firm's supervision in accordance with [FINRANASD](#) Rule 3010;

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- F) Electronic communications are made through the registered dealer's electronic system;
 - G) All orders are entered through the designated branch office or an electronic system established by the registered dealer that is reviewable at the branch office;
 - H) Written supervisory procedures pertaining to supervision of sales activities conducted at the residence are maintained by the registered dealer; and
 - I) A list of the residence locations is maintained by the registered dealer;
- 3) Any location, other than a primary residence, that is used for securities business for less than 30 business days in any one calendar year, provided the registered dealer complies with the provisions of subsections (a)(2)(A) through (H) ~~of this Section~~;
 - 4) Any office of convenience, where associated persons occasionally and exclusively by appointment meet with customers, that is not held out to the public as an office. If the office of convenience is located on bank premises, signage necessary to comply with applicable federal and State laws, rules and regulations and applicable rules and regulations of the NYSE, other self-regulatory organizations, and securities and banking regulations may be displayed and shall not be deemed "holding out" for purposes of this Section;
 - 5) Any location that is used primarily to engage in non-securities activities and from which the associated persons effects no more than 25 securities transactions in any one calendar year; provided that any advertisement or sales literature identifying the location also sets forth the address and telephone number of the location from which the associated persons conducting business at the non-branch locations are directly supervised;
 - 6) The Floor of a registered national securities exchange where a registered dealer conducts a direct access business with public customers; or

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- 7) A temporary location established in response to the implementation of a business continuity plan.
- b) Notwithstanding the exclusions provided in ~~subsections (a)(1) through (7)~~, any location that is responsible for supervising the activities of persons associated with the registered dealer at one or more non-branch locations of the registered dealer is considered to be a branch office.
- c) The term "business day", as used in this Section, shall not include any partial business day provided that the associated person spends at least four hours on the business day at his or her designated branch office during the hours that the office is normally open for business.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART D: EXEMPT TRANSACTIONS

Section 130.420 Uniform Limited Offering Exemption Pursuant to Section 4.D of the Act

- a) Any offer or sale of securities offered or sold in compliance with the Federal 1933 Act, Regulation D, Rules 230.501-230.503 and 230.505 (17 CFR 230.501-230.503 and 230.505) and ~~that which~~ satisfies the following further conditions and limitations is an exempt transaction:
- 1) No exemption under this Section shall be available for the securities of any issuer if any of the parties described in the Federal 1933 Act, Regulation A, Rule 230.262 Sections (a), (b) and (c) (17 CFR 230.262(a), (b) and (c) ~~(May 31, 2011) as in effect on August 1, 1997 (no subsequent amendments or editions)~~:
- A) has filed a registration statement ~~that which~~ is subject to a currently effective registration stop order entered pursuant to any state's securities law or the SEC within five years prior to the filing of the notice required under this exemption;
- B) has been convicted within five years prior to the filing of the notice required under this exemption of any felony or misdemeanor in connection with the offer, purchase or sale of any security or any felony involving fraud or deceit, including but not limited to

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forgery, embezzlement, obtaining money under false pretenses, larceny or conspiracy to defraud;

C) is currently subject to SEC or any state administrative enforcement order or judgment entered by that state's securities administrator or the SEC within five years prior to the filing of the notice required under this exemption or is subject to SEC or any state's administrative enforcement order or judgment in which fraud or deceit, including but not limited to making untrue statements of material facts and omitting to state material facts, was found and the order or judgment was entered within five years prior to the filing of the notice required under this exemption;

D) is subject to SEC or any state's administrative enforcement order or judgment ~~that~~which prohibits, denies or revokes the use of any exemption from registration in connection with the offer, purchase or sale of securities;

E) is currently subject to any order, judgment, or decree of any court of competent jurisdiction temporarily or preliminarily restraining or enjoining, or is subject to any order, judgment or decree of any court of competent jurisdiction permanently restraining or enjoining, ~~the~~such party from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of any false filing with the state entered within five years prior to the filing of the notice required under this exemption;

2) the prohibitions of subsections (a)(1)(A) ~~through~~-(C) and (E) of this Section shall not apply if the person subject to the disqualification is duly licensed or registered to conduct securities related business in the state in which the administrative order or judgment was entered against such person or if the dealer employing such party is licensed or registered in this State and the Form BD filed with the Securities Department discloses the order, conviction, judgment or decree relating to such person; no person disqualified under this subsection (a)(2) may act in a capacity other than that for which the person is licensed or registered; and

3) any disqualification caused by this Section is automatically waived if the

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SEC or state securities administrator or agency of the state ~~that which~~ created the basis for disqualification determines upon a showing of good cause that it is not necessary under the circumstances that the exemption be denied. It is a defense to a violation of this subsection (a) if the issuer sustains the burden of proof to establish that ~~thesueh~~ person did not know and in the exercise of reasonable care could not have known that a disqualification under this subsection (a) existed.

- b) The issuer shall file with the Securities Department a notice on Form D (17 CFR 239.500):
- 1) the notice shall be filed no later than 15 days after the receipt of consideration or the delivery of a subscription agreement by an investor in this State ~~that which~~ results from an offer being made in reliance upon this exemption and at such other times and in the form required under Regulation D, Rule 230.503 to be filed with the SEC;
 - 2) the notice shall contain an undertaking by the issuer to furnish to the Securities Department, upon written request, the information furnished by the issuer to offerees who are offered or sold a security ~~that which~~ is not exempt under any provision of Section 3 of the Act or who are offered or sold a security in a transaction ~~that which~~ is not exempt under any provision of Section 4 of the Act;
 - 3) every person filing the initial notice provided for in subsection (b)(1) of this Section shall pay the filing fee pursuant to Section 130.110 ~~of this Part~~.
- c) In all sales to nonaccredited investors in this State, the issuer and any person acting on its behalf shall have reasonable grounds to believe, and after making reasonable inquiry shall believe, that one of the following conditions is satisfied:
- 1) the investment is suitable for the purchaser upon the basis of the facts, if any, disclosed by the purchaser as to his or her other security holdings and as to his or her financial situation and needs; for the purpose of this condition only, it may be presumed that if the investment does not exceed 10% of the investor's net worth, it is suitable; and
 - 2) the purchaser, either alone or with his or her purchaser

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~~representatives~~representative(s), has such knowledge and experience in financial and business matters that ~~he or she is, or~~ they are, capable of evaluating the merits and risk of the prospective investment.

- d) A failure to comply with a term, condition or requirement of this exemption will not result in loss of the exemption from the requirements of Section 4.D of the Act for any offer or sale to a particular individual or entity, if the person relying on the exemption shows:
- 1) the failure to comply did not pertain to a term, condition or requirement directly intended to protect that particular individual or entity; or
 - 2) the failure to comply was insignificant with respect to the offering as a whole; or
 - 3) a good faith and reasonable attempt was made to comply with all applicable terms, conditions and requirements of the exemption.
- e) The exemption authorized by this Section shall be known and may be cited as the "Uniform Limited Offering Exemption."

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 130.436 Procedures for Applying for Trading Authorization Pursuant to Section 4(F)(2) of the Act

- a) Any registered dealer who wishes to apply for trading authorization pursuant to Section 4(F)(2) of the Act shall apply on a form and in the manner prescribed by the Secretary.
- b) The application shall consist of the following:
- 1) Illinois Form 4(F)(2), Application for Secondary Trading Authorization;
 - 2) The required non-refundable filing fee as required by Section 130.110 ~~of this Part~~;
 - 3) Audited financial statements of the issuer covering its last three ~~(3)~~ fiscal years or such lesser period, but not less than one year, during which the

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issuer was incorporated or otherwise organized;

- 4) Illinois Form 4F2-K (otherwise known as the annual report); and
 - 5) Any other information or documents ~~that~~^{which} the applicant may file as a part of the application for secondary trading authorization.
- c) The application form shall contain the following information:
- 1) The name, address and telephone number of the issuer's principal office;
 - 2) The name, address and telephone number of the correspondent to whom notices and communications regarding the application should be sent;
 - 3) The name and address of the registered dealer applicant;
 - 4) A description of the securities for which secondary trading authorization is sought including the current price and number of units or shares outstanding;
 - 5) The year the business was organized, the form of the organization, the state or other jurisdiction where it was organized and affiliation with other business entities;
 - 6) A general description of the issuer's business including the nature and general competitive conditions in the industry;
 - 7) A description of the issuer's property, including the location and general character of the important physical properties or assets of the issuer as referenced in 17 CFR 229.102 (~~Item 102~~ as in effect on ~~(May 31, 2011)~~ July 1, 1989 (no subsequent amendments or editions);
 - 8) A description of any pending or contemplated legal proceedings, other than routine litigation incidental to business, to which the issuer or any of its subsidiaries are a party or of which any property is the subject as referenced in 17 CFR 229.103 (~~Item 103~~ as in effect on ~~(May 31, 2011)~~ July 1, 1989 (no subsequent amendments or editions);
 - 9) A list of the names, addresses and ages of all directors and officers of the

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issuer including the position held and their business experience and background;

- 10) The total gross remuneration of all directors and officers of the issuer;
- 11) A list of the title of class, the name of the beneficial owner, the amount and nature of beneficial ownership and the percent of class for all directors and officers and any person owning more than five ~~(5)~~ percent of any class of the issuer's securities;
- 12) a description of any transaction or proposed transaction since the issuer's last fiscal year, in which the issuer and any director, officer or beneficial owner of five ~~(5)~~ percent or more of any class of the issuer's securities involves an amount exceeding \$60,000;
- 13) A brief description of the securities to be authorized for secondary trading highlighting materially important provisions with respect to the securities and a description of all other securities issued and outstanding by the issuer including the rights and incidents thereof as referenced in 17 CFR 229.202 ~~(Item 202) as in effect on (May 31, 2011)~~ [July 1, 1989](#) ~~(no subsequent amendments or editions)~~;
- 14) The total number of shares or units issued and outstanding, as of the current date, to be authorized for secondary trading;
- 15) The total number of shareholders and the number of shareholders in Illinois, as well as the number of securities held as of the current date;
- 16) The most recent bid and asked price of the securities to be authorized for secondary trading, if any, and the date of the bid and asked price;
- 17) A copy of the Registration Statement or the offering circular, if any, filed under ~~section~~ [Section](#) 3, 4 or 6 of the Federal 1933 Act, as defined in Section 130.200 of this Part, along with the effective date of the Registration Statement or the date on which the offering commenced under an exemption together with the offering price, if any;
- 18) A description of how the securities were originally sold or issued including the name of each principal underwriter;

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- 19) A list of the states or other jurisdictions in which the securities were sold, indicating whether the securities were registered or sold pursuant to an exemption in each state or jurisdiction;
- 20) A list of any other states or jurisdictions that have refused after notice and opportunity for hearing, by order or otherwise, to authorize the sale of the securities or have suspended or revoked the right to sell the securities, or any stop order, denial, order to show cause, suspension or revocation order, injunction or restraining order, or similar order entered or issued by any state or other regulatory authority or by any court, concerning the securities covered by the application including a copy of any orders as referenced in 17 CFR ~~229.103~~~~220.403~~ (Item 103) ~~as in effect on (May 31, 2011) July 1, 1989 (no subsequent amendments or editions)~~;
- 21) A list of any states or other jurisdictions in which the securities are pending approval for secondary trading; and
- 22) A list of any states or other jurisdictions in which the securities are currently eligible for secondary trading.
- d) The application shall be signed and notarized. By signing the application the applicant undertakes to file any information, documents and reports required by the Secretary and also represents that the application is made in good faith.
- e) A written request for a waiver of any requirement of the form may be submitted to the Secretary as an exhibit to the application. The request shall state, in detail, the reason or reasons why the requirement should be waived.
- f) Applications failing to meet the requirements of this Section shall be denied. The Department shall contact the applicant or correspondent in cases in which an application is deficient and afford ~~thesueh~~ party an opportunity to remedy ~~thesueh~~ deficiency.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART E: REGISTRATION OF SECURITIES

Section 130.502 Financial Statement Requirements

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For the purpose of this Part and to insure uniform interpretation, the form and content of financial statements, which are to be filed in connection with any filing under the Act, shall conform to 17 CFR 210.1-01 through 17 CFR 210.12-29 (Regulation S-X) ~~in effect on~~ [\(May 31, 2011\)](#) ~~January 1, 1984~~ and Accounting Series Releases as they relate to the Federal 1933 Act and the Federal 1934 Act.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 130.510 Procedures for Registration of Securities by Coordination under Section 5.A of the Act

- a) Filing ~~Requirements~~requirements:
- 1) Application for registration of securities pursuant to Section 5.A of the Act shall be made by filing the following documents with the Securities Department in Springfield in the form required by Section 5.A(2) of the Act:
 - A) One copy of the registration statement (without exhibits) ~~that~~which sets forth the title of the securities, price or proposed offering price, and ~~the~~ aggregate number of units to be offered by the registration statement on file with the SEC in its most recent form as of the date of the initial filing under Section 5.A of the Act;
 - B) A completed Application to Register Securities on Form U-1 as provided in Appendix B, executed by the applicant, if a natural person; or by a general partner, if the applicant is a partnership; or by an officer of the applicant, if a corporation; or in other cases by a credible person having knowledge of the facts, setting forth the title of the securities to be registered, the total offering of securities in number and dollar amount, the offering of securities in number and dollar amount to be offered in this State, the offering price or proposed offering price and the proposed maximum aggregate price and the proposed maximum aggregate price for the securities in this State ~~therefor~~ as defined in Section 130.251 ~~of this Part~~ and, if the applicant is electing the date of effectiveness of a post-effective amendment filed or to be filed with the SEC as its "effective date" as defined in Section 2.13 of the Act, specifying

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- ~~that~~~~sueh~~ date as the "effective date" for purposes of paragraph 6 of the Application;
- C) If the applicant is not a registered dealer, the name of at least one registered dealer for the securities being registered (except that, in the case of securities being offered and sold on a delayed or continuous basis pursuant to 17 CFR 230.415 ~~as in effect on (May 31, 2011) January 1, 1996 (no subsequent amendments or editions)~~, the name of the registered dealer may be furnished no later than the close of business on the second business day following the commencement of sales of the registered securities), or if no registered dealer is participating in the offering, a description of the method by which the securities being registered will be offered and sold in Illinois in compliance with Section 8 of the Act; and
- D) The filing fee required by Section 5.C(1) of the Act in the form and amount required by Section 130.110 of this Part.
- 2) The completed Application to Register Securities on Form U-1 shall constitute the application and the undertaking called for Sections 5.A(2)(c) and 5.A(2)(d), respectively, of the Act, except that:
- A) The time period for filing documents described in the undertaking set forth in paragraph 9(b) of the Application shall be deemed to be the seven calendar days after the forwarding of the document thereof to the SEC;
- B) Only amendments to the federal registration statement ~~that~~~~which~~ amend or supplement the registration statement need be filed pursuant to paragraph 9(b)(i) of the Application; and
- C) The applicant otherwise shall be required to comply with the undertakings set forth in paragraph 9 of the Application only to the extent required by the Act and this Part.
- b) If, prior to the effective date, there ~~was~~~~shall have been~~ filed with the Securities Department all of the documents and fees specified in subsection (a) ~~of this Section~~, registration of securities under Section 5.A of the Act shall become effective automatically on the effective date, provided that:

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- 1) the application for registration is not then the subject of pending proceedings under Section 11.F of the Act or of an order of suspension, denial or prohibition under Section 11 of the Act; and
- 2) at least one of the following events ~~shall have~~ occurred on or before the effective date:
 - A) the Securities Department ~~shall have~~ notified the applicant, in writing (which may be by telegraphic, electronic or facsimile transmission), that ~~thesuch~~ documents and fees conform to the requirements of the Act and this Part;
 - B) at least ~~10ten~~ business days ~~shall have~~ expired from and including the date on which all of the documents and fees specified in subsection (a) ~~wereof this Section have been~~ filed with or paid to the Securities Department.
- c) If, prior to the effective date, all of the documents specified in subsection (a) ~~were not filedof this Section shall not have been filed~~ with the Securities Department, the registration under Section 5.A of the Act shall take effect on the date that all of the following conditions are satisfied:
 - 1) All of the documents and fees specified in subsection (a) ~~wereof this Section shall have been~~ filed with or paid to the Securities Department;
 - 2) The application for registration is not then the subject of pending proceedings under Section 11.F of the Act or of an order of suspension, denial or prohibition under Section 11 of the Act; ~~and~~
 - 3) There ~~wasshall have been~~ filed with the Securities Department a statement from the applicant, in writing (which may be by telegraphic, electronic or facsimile transmission), ~~thatwhich~~ either:
 - A) states that no securities ~~thatwhich~~ are part of the offering being registered have been sold in this State; or
 - B) if securities ~~thatwhich~~ are part of the offering being registered have been sold in this State, ~~that~~ sets forth the name and address of each

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purchaser of ~~thesuch~~ securities, the dollar amount sold, and the exemption or exemptions from registration under Section 3 or 4 of the Act relied upon in making each ~~such~~ sale;

- 4) At least one of the following events ~~shall have~~ occurred:
 - A) The Securities Department ~~shall have~~ notified the applicant, in writing (which may be by telegraphic, electronic or facsimile transmission), that ~~thesuch~~ documents and fees conform to the requirements of the Act and this Part; or
 - B) At least ~~10ten~~ business days ~~shall have~~ expired from and including the date on which all of the documents and fees specified in subsection (a) ~~wereof this Section have been~~ filed with or paid to the Securities Department; and
- 5) There ~~was~~~~shall have been~~ filed with the Securities Department a statement from the applicant, in writing (which may be by telegraphic, electronic or facsimile transmission), dated no earlier than the first business day preceding the date on which the registration under Section 5.A of the Act is to take effect, stating that:
 - A) The registration statement filed under the Federal 1933 Act, as defined in Section 130.200 of this Part, is then in effect; and
 - B) The registration statement, including any amendments or supplements ~~thereto~~, then on file with the Securities Department satisfies the requirements of ~~section~~~~Section~~ 10(a)(3) of the Federal 1933 Act, as defined in Section 130.200 of this Part.
- d) The applicant shall file with the Securities Department, a notice, in writing (which may be by telegraphic, electronic or facsimile transmission), no later than the close of business on the second business day following the later of the effective date or the date on which the registration under Section 5.A of the Act shall take effect, of:
 - 1) The offering ~~price~~~~price(s)~~ (provided, that if the offering is to be made on a delayed or continuous basis pursuant to Rule 415 under the Federal 1933 Act, 17 CFR 230.415 as defined in Section 130.200 of this Part, the

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offering ~~price~~~~price(s)~~ need only be furnished if known to applicant, and if not indicated in documents already on file with the Securities Department); and

- 2) The date that the registration statement, or, if the applicant is electing the date of effectiveness of a post-effective amendment, that the post-effective amendment, became effective under the Federal 1933 Act, as defined in Section 130.200 of this Part.
- e) No offering of securities shall be registered under Section 5.A of the Act if, prior to the effective date, all of the securities ~~that~~~~which~~ are part of the offering being registered have been sold. The Secretary shall require, in any case ~~in which~~~~where~~ it appears that this subsection (e) may be violated, an affidavit to the effect that securities ~~that~~~~which~~ are part of the offering remain available for sale.
- f) The issuer, controlling person or registered dealer, who filed the application may petition the Securities Department, in writing, prior to effectiveness of the registration of the securities under the Federal 1933 Act, as defined in Section 130.200 of this Part, for a waiver of automatic effectiveness of the registration of securities under the Act if such effectiveness would cause the issuer, controlling person or registered dealer to violate any provision of the Act or this Section. The Securities Department shall notify the issuer, controlling person or registered dealer in writing of the Secretary's decision to grant or deny any request for waiver of automatic effectiveness. If the waiver is granted, the registration of securities shall become effective automatically on ~~the~~~~such~~ date ~~as shall be~~ designated in writing by the issuer, controlling person or registered dealer who filed the application, provided that ~~such~~ person has satisfied all of the requirements of the Act and this Section.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 130.525 Procedures for Registration of Securities by Qualification under Section 5.B(7) of the Act, Small Company Offering Registration ("SCOR") on Form U-7

- a) To be eligible to use Form U-7, an issuer must comply with each of the following requirements:
 - 1) The issuer must be a corporation or a limited liability company organized under the laws of one of the states or possessions of the United States

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~~that~~which engages in or proposes to engage in a business other than petroleum exploration or production or mining or other extractive industries. "Blind pool" offerings and other offerings for which the specific business or properties cannot now be described are ineligible to use Form U-7;

- 2) The securities may be offered and sold only on behalf of the issuer, and Form U-7 may not be used by any selling security-holder (including underwriters in a firm commitment underwriting) to register the securities for resale;
- 3) The offering price for common stock (and the exercise price, if the securities are options, warrants or rights for, and the conversion price if the securities are convertible into common stock) must be equal to or greater than \$1.00 per share;
- 4) The issuer may engage salespersons to sell the securities. Commissions, fees, or other remuneration for soliciting any prospective purchaser in this State in connection with the offering may only be paid to persons who are registered as salespersons~~:-~~;
- 5) Form U-7 shall not be available for the securities of any issuer if the issuer or any of its officers, directors, 10% stockholders, promoters or any salesperson of the securities to be offered, or any officer, director or partner of ~~thesuch~~ issuer:
 - A) has filed a registration statement ~~that~~which is the subject of a currently effective registration stop order entered pursuant to any state's securities law within five years prior to the filing of the application for registration~~hereunder~~;
 - B) has been convicted within five years prior to the filing of the application for registration ~~hereunder~~ of any felony or misdemeanor in connection with the offer, purchase or sale of any security or any felony involving fraud or deceit, including, but not limited to, forgery, embezzlement, obtaining money under false pretenses, larceny or conspiracy to defraud;
 - C) is currently subject to any state administrative enforcement order

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or judgment entered by that state's securities administrator within five years prior to the filing of the application for registration ~~hereunder~~ or is subject to any state's administrative enforcement order or judgment in which fraud or deceit, including but not limited to making untrue statements of material facts and omitting to state material facts, was found and the order or judgment was entered within five years prior to the filing of the application for registration ~~hereunder~~;

- D) is subject to any state's administrative enforcement order or judgment ~~thatwhich~~ prohibits, denies or revokes the use of any exemption from registration in connection with the subject offer, purchase or sale of securities included in the application for registration ~~hereunder~~; or
- E) is currently subject to any order, judgment or decree of any court of competent jurisdiction temporarily or preliminarily restricting, enjoining, or subject to any order, judgment or decree of any court of competent jurisdiction, permanently restraining or enjoining, from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of any false filing with the state entered within five years prior to the filing of the application for registration ~~hereunder~~;
- 6) The prohibitions of subsections (a)(5)(A), (B), (C) and (E) ~~of this Section~~ shall not apply if the person subject to the disqualification is duly licensed or registered to conduct securities related business in the state in which the administrative order or judgment was entered against ~~thatsueh~~ person or if the dealer employing ~~thatsueh~~ party is licensed or registered in this State and the Form BD filed with this State discloses the order, conviction, judgment or decree relating to ~~thatsueh~~ person. If any of the circumstances in subsection (a)(5)(B), (C) or (E) ~~of this Section~~ has occurred more than five years from the date of the application for registration ~~hereunder~~, these circumstances should be described in response to Question 45 of Form U-7 as a Miscellaneous Factor;
- 7) Use of Form U-7 is available to any offering of securities by an issuer, the aggregate offering price of which within or outside this State shall not

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exceed \$1,000,000, less the aggregate offering price for all securities sold within the ~~12~~twelve months before the sale of, and during the offering of, the securities under SEC Rule 504 in reliance on any exemption under section 3(b) of the Federal 1933 Act not in violation of section 5(a) of that Act. Form U-7 is not available to a company that is an investment company (including mutual funds) or is subject to the reporting requirements of ~~section~~Section 13 or 15(d) of the Federal 1934 Act~~;~~.

- 8) The issuer shall file with the SEC a Form D pursuant to Regulation D under the Federal 1933 Act claiming exemption of the offering from registration under the Federal 1933 Act pursuant to Rule 504 ~~under that Act~~thereunder. A copy of the Form D with Illinois signature pages shall be filed with the Securities Department at the same time it is filed with the SEC.

- b) Application for registration of securities pursuant to Section 5.B(7) of the Act shall be made by:

- 1) filing the following documents with the Securities Department in the form required by Section 5.B of the Act:

- A) A completed Application to Register Securities on Form U-1, executed by the applicant, if a natural person; or by an officer of the applicant, if a corporation; or in other cases by a credible person having knowledge of the facts, setting forth the name and address of the issuer, the title and total amount of the securities to be offered, the amount of the securities to be registered in this State pursuant to the Application, and the proposed maximum aggregate price for the securities being registered as defined in Section 130.251 ~~of this Part~~;
- B) A copy of the Form U-7, Disclosure Document, with a response to each question in each paragraph of the Form U-7; if a question is not applicable, the response should so indicate; each response should be clearly and concisely stated and should not include nominal, immaterial or insignificant information;
- C) Form of Selling Agency Agreement, if any;

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- D) Issuer's articles of incorporation or other charter documents and all amendments to those Articles or documents~~there to~~;
- E) Issuer's by-laws, as amended to date;
- F) Copy of any resolutions by directors setting forth terms and provisions of capital stock to be issued;
- G) Any indenture, form of note or other contractual provision containing terms of notes or other debt, or of options, warrants or rights to be offered, if any;
- H) Specimen of security to be offered (including any legend restricting resale);
- I) Copy of all advertising or other materials, including electronic media and correspondence, directed to or to be furnished investors in the offering;
- J) Form of escrow agreement for escrow of proceeds, if any;
- K) Form of any subscription agreement for the purchase of securities in the offering;
- L) Opinion of counsel as to the legality of the securities to be issued;
- M) Consent to inclusion in the disclosure document of tax advisor's opinion or description of tax consequences, if any;
- N) Consent to inclusion in the disclosure document of any evaluation of litigation or administrative action by counsel, if any;
- O) Schedule setting forth the name and residential street address of each officer, director and principal stockholder;
- P) Work sheets showing computations of responses to questions 6, 7(a), 8(a), 8(b) and 17(b) of Form U-7;
- Q) Undertaking to file promptly with the Securities Department any

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and all amendments of and supplements to the disclosure document ~~previously as theretofore~~ filed under Section 5.B of the Act, accompanied by the examination fee specified in Section 130.110 ~~of this Part~~; and

- R) Name of the registered dealer who will be selling the securities, if any; or Form ~~U4sU-4s~~ for each individual who will be selling the securities, together with the filing fee required by Section 8.C(7) of the Act in the form and amount required by Section 130.110 ~~of this Part~~ or a description of the method by which the securities being registered will be offered and sold in Illinois in compliance with Section 8 of the Act.
- 2) Paying to the Securities Department the examination fee and filing fee required by Section 5.B(2)(g) and 5.C(1), respectively, of the Act in the form and amount required by Section 130.110 of this Part.
- c) The Securities Department shall within a reasonable time examine the application and documents filed, and unless ~~1)~~ the Securities Department makes a determination that the application and documents so filed do not conform to the requirements of Section 5.B(7) of the Act and this Section; or ~~2)~~ the application for registration is then the subject of pending proceedings under Section 11.F of the Act or of an order of suspension, denial or prohibition under Section 11 of the Act, the Department shall declare the Form U-7 effective and register the securities for offer and sale in this State under Section 5.B of the Act.
- d) Issuer notification requirements to the Securities Department after the securities are registered:
- 1) Notification within two business days after the occurrence of any event ~~that~~ ~~which~~ requires a material change in Form U-7 and submission of the following:
- A) a complete Form U-7 as revised, amended or supplemented, marked to show changes from the previously filed version; and
- B) the amendment filing fee as required by Section 5.B(2)(g) of the Act and in the form and amount required by Section 130.110 of this Part;

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- 2) Monthly sales report disclosing the total dollar amount of securities sold in this State, to be filed not later than 10 business days following the end of each month;
- 3) Final sales report disclosing the total dollar amount of securities sold in this State, to be filed not later than 10 business days following the completion or termination of the offering; and
- 4) Affidavit of termination, as required pursuant to Section 5.D of the Act, to be filed not later than 30 days following completion or termination of the offering.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 130.530 Renewal of Registration of Securities Under Section 5.E of the Act

- a) An issuer, controlling person or registered dealer shall file an application for renewal of registration of part or all of the securities ~~that~~^{which} remain unsold by filing with the Securities Department, no later than ~~10~~^{ten} business days prior to the date upon which the registration under Section 5.A of the Act or renewal under Section 5.E of the Act would expire, on Form U-1 executed by an officer of the issuer, controlling person or registered dealer and ~~pay~~^{paying} the fee set forth in Section 130.110 ~~of this Part~~. ~~The~~^{Such} application shall be accompanied by a copy of the prospectus in its most current form.
- b) Any application for renewal of registration of securities filed with or fee paid to the Securities Department within nine business days or less prior to the date upon which the registration or renewal would expire shall pay an additional fee set forth in Section 130.110 ~~of this Part~~.
- c) Any application for renewal of registration of securities filed with or fee paid to the Securities Department on or after the date upon which the registration has expired shall pay an additional fee set forth in Section 130.110 ~~of this Part~~ until the application is filed and the renewal fee and all ~~late~~^{such} ~~additional~~ fees are paid.
- d) The renewal of the registration under subsection (a), (b) or (c) ~~of this Section~~ shall take effect as of the date that the prior registration or renewal expired.

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- e) No application for renewal of registration of securities shall be deemed to be filed or take effect if the application, renewal fee or additional fee ~~was shall have been~~ filed with or paid to the Securities Department more than one year after the most recent expiration of the registration or renewal of the registration.
- f) Prior to the renewal of any registration or renewal, the issuer, controlling person or registered dealer shall ~~file have filed~~ with the Securities Department the name of at least one registered dealer ~~that which~~ will be offering or selling the securities or ~~file have filed~~ an application for registration on Form ~~U4U-4~~ or renewal on Form 8.C(1) for at least one salesperson that the Securities Department will grant registration of, or renewal of registration of, concurrently with the renewal of the registration of the securities and ~~pay paid~~ to the Securities Department the fee and the additional fee, if any, set forth in Section 130.110 ~~of this Part~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART F: FACE AMOUNT CERTIFICATE CONTRACTS

Section 130.630 Renewal of Registration of Face Amount Certificate Contracts Under Section 6.F of the Act

- a) An issuer, controlling person or registered dealer shall file an application for renewal of registration of part or all of the face amount certificate contracts ~~that which~~ remain unsold by filing with the Securities Department, no later than ~~10 ten~~ business days prior to the date upon which the registration under Section 6.A of the Act or renewal under Section 6.F of the Act would expire, on Form U-1 executed by an officer of the issuer, controlling person or registered dealer and ~~pay paying~~ the fee set forth in Section 130.110 ~~of this Part~~. ~~The Such~~ application shall be accompanied by one copy of the prospectus in its most current form.
- b) Any application for renewal of registration of face amount certificate contracts filed with or fee paid to the Securities Department within nine business days or less but prior to the date upon which the registration or renewal would expire shall pay an additional fee set forth in Section 130.110 ~~of this Part~~.
- c) Any application for renewal of face amount certificate contracts filed with, or fee paid to, the Securities Department on or after the date upon which the registration would expire shall pay an additional fee set forth in Section 130.110 ~~of this Part~~.

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until the application is filed and the renewal fee and all ~~latesuch additional~~ fees are paid.

- d) The renewal of the registration under subsection (a), (b) or (c) of this Section shall take effect on the date that the prior registration or renewal expired.
- e) No application for renewal of face amount certificate contracts shall be deemed to be filed or take effect if the application, renewal fee or additional fee ~~was shall have been~~ filed with or paid to the Securities Department more than one year after the most recent expiration of the registration or renewal of the registration.
- f) Prior to the renewal of any registration or renewal, the issuer, controlling person or registered dealer shall ~~file have filed~~ with the Securities Department the name of at least one registered dealer ~~that which~~ will be offering or selling the face amount certificate contracts or ~~file have filed~~ an application for registration on Form U4U-4 or renewal on Form 8C(1) for at least one salesperson that the Securities Department will grant registration of, or renewal of registration of, concurrently with the renewal of the registration or renewal of the face amount certificate contracts and ~~pay paid~~ to the Securities Department the fee and additional fee, if any, set forth in Section 130.110-~~of this Part~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART G: INVESTMENT FUND SHARES

Section 130.730 Renewal of Registration of Investment Fund Shares Under Section 7(G) of the Act

- a) An issuer, controlling person or registered dealer shall file an application for renewal of registration of part or all of the investment fund shares which remain unsold by filing with the Securities Department no later than ~~ten (10)~~ business days prior to the date upon which the registration under Section 7(A) of the Act or renewal under Section 7(G) of the Act would expire on Form 7G or Form U-1 as provided in Appendix B executed by an officer of the issuer, controlling person or registered dealer and paying the fee set forth in Section 130.110-~~of this Part~~. ~~The Such~~ application shall be accompanied by a copy of the prospectus and Statement of Additional Information in their most current form on file with the SEC.

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- b) Any application for renewal of registration of investment fund shares filed with or fee paid to the Securities Department within nine ~~(9)~~ business days or less but prior to the date upon which the registration would expire shall pay an additional fee set forth in Section 130.110 ~~of this Part~~.
- c) Any application for renewal of registration of investment fund shares filed with or fee paid to the Securities Department on or after the date upon which the registration would expire shall pay an additional fee set forth in Section 130.110 ~~of this Part~~ until the application is filed and the renewal fee and all such additional fees are paid.
- d) The renewal of the registration under subsection (a), (b) or (c) ~~of this Section~~ shall take effect on the date that the prior registration or renewal expired.
- e) No application for renewal of the registration of investment fund shares shall be deemed to be filed or take effect if the application, renewal fee or additional fee shall have been filed with or paid to the Securities Department more than one year after the most recent expiration of the registration or renewal of the registration.
- f) Prior to the renewal of any registration or renewal, the issuer, controlling person or registered dealer shall have filed with the Securities Department the name of at least one registered dealer which will be offering or selling the investment fund shares or have filed an application on Form ~~U4U-4~~ or renewal on Form 8C(1) for registration for at least one salesperson that the Securities Department will grant registration of or renewal of registration of concurrently with the renewal of the registration or renewal of the investment fund shares and paid to the Securities Department the fee set forth in Section 130.110 ~~of this Part~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS, INVESTMENT ADVISERS AND INVESTMENT ADVISER REPRESENTATIVES

Section 130.810 Procedures for Registration as a Dealer Under Section 8.B of the Act

No person shall be registered as a dealer unless satisfactory evidence shall have been furnished to the Secretary of the trustworthiness of the applicant and the applicant's officers, directors, partners, principal members or trustees. No person shall be registered as a dealer until that person shall have given evidence of competency to engage in the business of dealing in, buying

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or selling securities. Every person or officer who sells securities in this State shall be deemed to be a salesperson and must be registered as such in accordance with Section 8.B of the Act.

- a) Each applicant for registration as a dealer shall deliver to ~~FINRA~~the NASD Form BD as provided in Appendix C or, if already on file with ~~FINRA~~the NASD, the requisite amendment ~~that~~which indicates that an application is on file in this State and pay to ~~FINRA~~the NASD the registration fee specified in Section 130.110 ~~of this Part.~~
- b) Each applicant for registration as a dealer shall file with the Securities Department a complete and current application and pay to the Securities Department the branch office fee, if any, specified in Section 130.110 ~~of this Part.~~ The application shall consist of the following:
 - 1) Schedule E of Form BD listing each branch office in this State, if any;
 - 2) An unaudited balance sheet for the applicant verified by the chief financial officer of the dealer or other person who holds a similar position as of a date not more than 60 days prior to the date that the application is deemed to be filed with the Securities Department and applicable computations which demonstrate compliance with Section 130.826 ~~of this Part~~ as of the date of the balance sheet;
 - 3) One copy of the Illinois Form designating each principal of the dealer;
 - 4) One copy of the Illinois Form setting forth the dealer's minimum net capital requirement;
 - 5) If the applicant will not have its principal office in this State and intends to keep the records required under Section 130.825 ~~of this Part~~ outside of this State, one copy of the Illinois Form requesting a waiver of the requirement to maintain its records in this State;
 - 6) Page (2) of Form ~~U4U-4~~ for each officer and director of the dealer, except that for applicants that are members of ~~FINRA~~the NASD, ~~such~~ page (2) need only be submitted for those officers and directors for whom a Form ~~U4U-4~~ has not been filed with the Securities Department on the behalf of the applicant through the CRD; and

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- 7) Any other information or document that the Securities Department may require to determine the dealer's business repute or to clarify statements made in the application for registration.
- c) Each person applying for registration as a dealer shall give evidence of competency to engage in the business of dealing in, buying or selling securities by providing the Secretary of State with proof of obtaining a passing score on one of the examinations listed in Section 130.822 of this Part by a score of 70% correct, to demonstrate to the Secretary that the principal or principals have sufficient knowledge of the securities business and the laws relating to that business thereto. In the case of a person, other than a natural person, filing an application for registration as a dealer, all of the principals who, on behalf of the applicant, participate in or are responsible for the sale of securities in this State are required to take such an examination on behalf of the applicant. Each registered dealer shall amend the list not later than 10ten business days after any change of any principal or principals.
 - d) At or prior to registration of the dealer, there must be on file with the Securities Department, whether through the CRD or otherwise, the following:
 - 1) Proof of passing one or more of the requisite examinations listed in Section 130.822 of this Part for each principal required to take the examinations required by such examination pursuant to subsection (c) of this Section, unless the Secretary issues shall have issued an Order waiving thesuch examination requirements pursuant to Section 130.823 of this Part and Section 8.B(9) of the Act;
 - 2) Form U4U-4 for each officer and director or each other person performing a similar function of the applicant who is required to register as a salesperson as provided in this Section, and a page (2) of Form U4U-4 for each other officer or director of the applicant;
 - 3) Any and all amendments required to the application and documents filed pursuant to subsection (a) of this Section, whether as the result of a change in the information provided since the date of filing; or otherwise; and
 - 4) In the case of a dealer thatwhich is not a member of FINRAthe NASD, an application for registration of a salesperson on Form U4U-4. The Securities Department shall grant concurrent registration of a salesperson

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pursuant to such application upon the registration of the dealer unless ~~the~~~~sueh~~ dealer is ineligible for registration under Section 8.E(1) of the Act. At least one salesperson must have a registration pending on behalf of a dealer ~~that~~~~which~~ is a ~~FINRA~~~~an~~~~NASD~~ member with the Securities Department prior to the grant of registration. Notwithstanding the foregoing, any dealer ~~that~~~~which~~ effects trades solely as a clearing dealer on behalf of other dealers need not register any salesperson.

- e) The application and documents on file with the Securities Department with respect to the dealer shall be amended from time to time whenever a change occurs ~~that~~~~which~~ renders the information contained ~~in the document~~~~therein~~ not accurate in any material respect. ~~The~~~~Sueh~~ amendment shall be filed with ~~FINRA~~~~the~~~~NASD~~ if the dealer is a member of ~~FINRA~~~~the~~~~NASD~~, or with the Securities Department if the dealer is not a member of ~~FINRA~~~~the~~~~NASD~~, within ~~10~~~~ten~~ business days after the occurrence of the change.
- f) For the limited purpose of this Section and solely to implement a supplemental procedure known as the CRD, a computer based registration system, for the registration and re-registration of dealers and salespersons, the term "in the Office of the Secretary of State", as used in Sections 8.B and 8.C of the Act, and "with the Secretary of State", as used in Section 8.H of the Act, and "with the Securities Department", as used in Section 130.820 of this Part, shall include a filing made with ~~FINRA~~~~the~~~~NASD~~ utilizing the single automated system referred to ~~in this subsection~~~~hereinabove~~ as the CRD.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 130.820 Procedures for Renewal and Withdrawal from Registration as a Dealer

- a) If a registered dealer elects to withdraw its registration in this State, it shall file a Form BDW with ~~FINRA~~~~the~~~~NASD~~ if the dealer is a member of ~~FINRA~~~~the~~~~NASD~~, or with the Securities Department if the dealer is not a member of ~~FINRA~~~~the~~~~NASD~~, indicating ~~its~~~~sueh~~ intent.
- b) If a registered dealer wishes to renew its registration, it shall file the renewal fee as specified in Section 130.110 ~~of this Part~~ with ~~FINRA~~~~the~~~~NASD~~ if the dealer is a member of ~~FINRA~~~~the~~~~FINRA~~~~NASD~~, or with the Securities Department if the dealer is not a member of ~~FINRA~~~~the~~~~NASD~~. Any amended Form BD shall also be filed with ~~FINRA~~~~the~~~~NASD~~ if the dealer is a member of ~~FINRA~~~~the~~~~NASD~~, or

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with the Securities Department if the dealer is not a member of ~~FINRA~~^{the NASD}, within 30 days if any material changes occur in the information that was filed with the Securities Department when the dealer applied for registration.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 130.821 Reporting of Dealer Branch ~~Office~~^{Officer} Locations and Required Fees

- a) Each applicant for registration as a dealer shall file Form BR on the CRD system setting forth the address of each branch office in this State as defined in Section 130.280. The applicant for registration as a dealer shall pay the fee in the amount specified in Section 130.110 ~~of this Part~~ for each branch office in this State.
- b) Each registered dealer shall file or have filed Form BR on the CRD system on or before December 31 annually setting forth the address of each branch office and pay to the Securities Department in Springfield a fee in the form and amount specified in Section 130.110 ~~of this Part~~ for each branch office in this State.
- c) No registration of a dealer shall become effective until a separate Form BR of the dealer's branch offices in this State, if any, has been filed on the CRD system and the fee, if any, has been paid.
- d) The registered dealer shall amend its application for registration by filing on the CRD system an amended Form BR or initial Form BR within ~~10~~^{ten} business days after:
 - 1) the opening of any branch office in this State not previously reported; and
 - 2) the closing of any branch office in this State.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 130.822 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge of Each Principal Under Section 8.B(9)(a) of the Act Prior to Registration as a Dealer

- a) Passage of the Series 24 (formerly Series 40 or Series 00) (General Securities Principal Examination) ~~together with either~~^{and} the Series 63 (Uniform Securities Act Law Examination) or Series 66 (Uniform Combined State Law Examination)

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conducted by ~~FINRA~~~~the NASD~~ shall qualify a principal or principals of legal age in this State on behalf of a registered dealer without limitation in this State.

- b) Passage of the Series 26, 39 or 53 Examination ~~together with either and~~ the Series 63 Examination (Uniform Securities Act Law Examination) or Series 66 (Uniform Combined State Law Examination) conducted by ~~FINRA~~~~the NASD~~ shall qualify by examination a principal or principals of legal age in this State on behalf of a registered dealer for registration in a limited capacity in this State.
- 1) The Series 26 Examination (Investment Company/Variable Contracts Products (ICVC) Principal Examination) ~~together with either the and~~ Series 63 (Uniform Securities Act Law Examination) or Series 66 (Uniform Combined State Law Examination) shall qualify the registered dealer to offer or sell variable annuities or securities issued by investment companies.
 - 2) The Series 39 (Direct Participation Programs Principal (DPP) Examination) ~~together with either the and~~ Series 63 (Uniform Securities Act Law Examination) or Series 66 (Uniform Combined State Law Examination) shall qualify the registered dealer to offer or sell direct participation programs in the form of limited partnerships or joint venture interests in tax shelter programs.
 - 3) The Series 53 (Municipal Securities Principal Examination) ~~together with either the and~~ Series 63 (Uniform Securities Act Law Examination) or Series 66 (Uniform Combined State Law Examination) shall qualify the registered dealer to offer or sell securities of municipalities or industrial development revenue obligations.
- c) Passage of the Series 8 (General Securities Sales Supervisor Examination or Branch Office Manager (NYSE) Examination) conducted by ~~FINRA~~~~the NASD~~ shall qualify a principal or principals of legal age in this State on behalf of a registered dealer pursuant to the limitations set forth by ~~FINRA~~~~the NASD~~.
- d) All scheduling for the examinations referred to in subsections (a), (b) and (c) ~~of this Section~~ shall be made with, and fees paid to, an office of ~~FINRA~~~~the NASD~~. The applicant for registration as a dealer shall submit in writing satisfactory evidence of passing the examination prior to registration in this State if ~~that such~~ information is not available to the Securities Department through the CRD.

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(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 130.823 Procedure for Requesting Waiver of Dealer, Salesperson, Investment Adviser, Investment Adviser Representative, or Principal Examination Requirements

- a) If a person applying for registration as a dealer, salesperson, investment adviser, investment adviser representative, or principal seeks a waiver of the examination requirements as provided in Section 8 of the Act, the request for the waiver shall be in writing on a form and in the manner prescribed by the Secretary.
- b) The request for the waiver of the examination requirement shall contain the following information:
 - 1) The business name and address of the dealer (or investment adviser for investment adviser and investment adviser representative applicants or federal covered investment adviser for investment adviser representative applicants) with which the applicant is or will be associated;
 - 2) The official title and connection of the applicant with the dealer (or federal covered investment adviser or investment adviser);
 - 3) The applicant's legal name;
 - 4) The applicant's business address and telephone number;
 - 5) The applicant's residential address and telephone number;
 - 6) The applicant's date of birth;
 - 7) A list of any other names the applicant has used including the dates used, the reason for the name change, and the date the applicant's present name was adopted;
 - 8) The amount of ownership of capital stock or partnership interest of the dealer (or investment adviser) ~~with which~~ the applicant is associated ~~with~~;
 - 9) The nature and tenure of each job the applicant currently holds or has held

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for ~~10~~ten years prior to the date of the waiver request. In addition, investment adviser applicants must provide the total aggregate dollar value of investment advisory accounts serviced, whether the applicant had discretionary authority over the accounts, and the total percentage of institutional accounts the applicant serviced of those entities enumerated in Section 4.C of the Act;

- 10) The applicant's educational history including degrees received;
 - 11) Any professional certifications or designations;
 - 12) Any [FINRANASD](#) or related examinations taken by the applicant;
 - 13) The name, address and business affiliation of three persons to whom the Secretary may address inquiries regarding experience, qualification and standing of the applicant; and
 - 14) A list of where the applicant has been licensed or registered as a dealer, salesperson or investment adviser, including the state or licensing agency, the type of license or registration and the period during which the registration was effective.
- c) The request shall be signed and notarized. By signing the waiver request, the applicant is attesting to the following (unless a detailed explanation is attached):
- 1) The applicant has never had any license or registration as a dealer, investment adviser, investment adviser representative or salesperson, suspended, cancelled or revoked after notice and opportunity for hearing;
 - 2) The applicant has never been temporarily or permanently enjoined from acting as an investment adviser, investment adviser representative, federal covered investment adviser, federal covered investment adviser representative, dealer, salesperson or employee thereof or from engaging in or continuing any conduct or practice in connection with activity as an investment adviser, investment adviser representative, federal covered investment adviser, federal covered investment adviser representative, dealer, salesperson, employee thereof or employee of any investment company, financial institution or insurance company after notice and opportunity for hearing;

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- 3) The applicant has never been convicted of any felony or misdemeanor involving the purchase or sale of any securities or arising out of any conduct as an investment adviser, investment adviser representative, federal covered investment adviser, federal covered investment adviser representative, dealer, salesperson, employee thereof or employee of any investment company, financial institution or insurance company;
 - 4) The applicant has never been permanently or temporarily enjoined from the issuance, offering for sale, sale, promotion, negotiation, advertising or distribution of securities;
 - 5) The applicant has never been named as a defendant in any proceeding arising from a complaint alleging a fraudulent act in any transaction of any kind or character;
 - 6) The applicant has never been found by any state or federal board, body, department or commission to have willfully made any untrue statement of a material fact in any application for registration or license as a dealer, investment adviser or salesperson or in any report required to be filed with the subject body, board, department or commission or under the Federal 1934 Act or to have willfully omitted to state in ~~thesueh~~ application or report any material fact ~~thatwhich~~ is required to be stated in an application or report therein; and
 - 7) The applicant has never been disbarred or suspended from the practice of any profession.
- d) After the Securities Department receives the request, the request shall be granted or denied based upon criteria ~~thatwhich~~ includes, but is not limited to, ~~the following~~: education, years of experience in the securities business, past disciplinary history, and prior registration with the SEC, any state securities regulator, or FINRA~~the NASD~~. The applicant shall be informed in writing of the Securities Department's decision.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 130.826 Registered Dealer Net Capital Requirements

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- a) Each dealer registered under Section 8 of the Act shall at all times have and maintain net capital no less than the greater of the higher minimum requirement applicable to its ratio requirement under 17 CFR 240.15c3-1 ~~as in effect on (May 31, 2011) January 1, 1997 (no subsequent amendments or editions)~~. No dealer electing to use the alternative standard shall permit its net capital to be less than the greater of the amount set forth in 17 CFR 240.15c3-1 ~~as in effect on (May 31, 2011) January 1, 1997 (no subsequent amendments or editions)~~ or 2 percent of the aggregate debit items computed in accordance with 17 CFR 240.15c3-3 ~~as in effect on (May 31, 2011) January 1, 1997 (no subsequent amendments or editions)~~.
- b) In addition to meeting the requirement set forth in subsection (a) ~~of this Section~~, a dealer subject to the aggregate indebtedness standard of net capital computation shall maintain the amount specified in 17 CFR 240.15c3-1 ~~as in effect on (May 31, 2011) January 1, 1997 (no subsequent amendments or editions)~~.
- c) Each dealer shall make the applicable computations set forth in subsection (a) ~~of this Section~~ in accordance with the provisions of 17 CFR 240.15c3-3 ~~in effect on (May 31, 2011) January 1, 1997 (no subsequent amendments or editions)~~ and shall preserve ~~thesuch~~ computations as part of the records required by Section 130.825 ~~of this Part~~.
- d) The Secretary may exempt a dealer from the requirements of this Section because of the special nature of business or financial position of the dealer and the safeguards that have been established for the protection of customers' funds and securities, and it is not necessary in the public interest or for the protection of investors for the dealer to be subject to the requirements of this Section.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 130.827 Confirmations

Every dealer, at or before the completion of each transaction with the dealer's customer, shall give or send to the customer written confirmation disclosing:

- a) whether the dealer is acting as agent for the customer, or as a dealer for the dealer's own account, or as an agent for some other person;
- b) either the name of the person from whom the security was purchased or to whom

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it was sold for the customer, and the date and time when the transaction took place or the fact that the information will be furnished upon the request of the customer and the source and amount of any commission or other remuneration received or to be received by the dealer in connection with the transaction; and

- c) in the case of transactions effected in securities ~~that~~which are non-NASD National Market System OTC Securities in reliance upon Section 4(N) of the Act, a statement to the effect that the transaction was effected pursuant to an unsolicited order or offer to buy by the customer, and requesting that the customer return to the dealer a written acknowledgment that the order or offer to buy was unsolicited.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 130.829 Investor Protection Requirement of a Dealer Registered Under Section 8 of the Act

- a) Each dealer registered or re-registered with the Secretary under Section 8.B of the Act shall be a member in good standing of ~~FINRA~~the NASD, as evidenced by such as not being under suspension or revocation or having failed to pay dues or assessments; or
- b) Each dealer registered or re-registered with the Secretary under Section 8.B of the Act shall be a member in good standing of the Securities Investor Protection Corporation as established in the Securities Investor Protection Act of 1970 (15 ~~USC~~U.S.C. 78aaa et seq.), as amended, as evidenced by such as not being under suspension or revocation or having failed to pay dues or assessments, or ~~such~~ other equivalent instrumentality of or corporation chartered by the United States ~~that~~which provides investor protection as authorized under federal law, except for the following dealers if they do not hold clients' cash or securities:
- 1) A dealer whose principal business in the Securities Investor Protection Corporation's determination is conducted outside the United States, its possessions and territories;
 - 2) Any bank (other than a bank organized under the banking laws of the State of Illinois or of the United States) registered as a municipal securities dealer with the SEC, pursuant to 17 CFR 240.15Ba(2-1), ~~as in effect on (May 31, 2011)~~January 1, 1996 (no subsequent amendments or editions);

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- 3) A government securities dealer registered under 17 CFR 240.15C(a)(1-1)(A), ~~as in effect on (May 31, 2011)~~ January 1, 1996 ~~(no subsequent amendments or editions)~~; and
- 4) A dealer whose business consists exclusively of one or more of the following:
 - A) the distribution of shares of registered open end investment companies or unit investment trusts registered under Section 8 of the Federal 1940 Investment Company Act, as defined in Section 130.200 of this Part, Section 5 of the Federal 1933 Act, as defined in Section 130.200 of this Part, and Section 5 or 7 of the Act;
 - B) the sale of variable annuities;
 - C) the business of insurance; or
 - D) the business of rendering investment advisory services to one or more investment companies registered under the Federal 1940 Investment Company Act, as defined in Section 130.200 ~~of this Part~~, or to insurance company separate accounts.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 130.832 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge Under Section 8.C(7) of the Act for Registration as a Salesperson

- a) Passage of the Series 63 or Series 66 examination, ~~together with either the and~~ Series 1, 2, 7, 37, 38, 17 or 47 examination conducted by FINRA, shall qualify a natural person who is 18 years of age for registration on behalf of a dealer, controlling person or issuer as a salesperson without limitation in this State.
- b) Passage of the Series 63 or Series 66 examination, ~~together with either the and~~ Series 6, 22, 52, 62 or 79 examination conducted by FINRA, shall qualify by examination a natural person who is 18 years of age for registration as a salesperson in a limited capacity in this State, as follows:
 - 1) The Series 6 (Investment Company/Variable Contract Products (ICVC)

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- Representative Examination), ~~together with either~~ and the Series 63 or Series 66 examination, shall qualify a salesperson to offer or sell securities issued by investment companies and variable contracts.
- 2) The Series 22 examination (Direct Participation Program Limited Representative Qualification Examination), ~~together with either~~ and the Series 63 or Series 66 examination, shall qualify a salesperson to offer or sell direct participation programs in the form of limited partnerships or joint venture interests in tax shelter programs.
 - 3) The Series 52 examination (Municipal Securities Representative Examination), ~~together with either~~ and the Series 63 or Series 66 examination, shall qualify a salesperson to offer and sell securities of municipalities and industrial development revenue obligation.
 - 4) The Series 62 Examination (Corporate Securities Representative Examination), ~~together with either~~ the Series 63 or Series 66 examination, shall qualify a salesperson to offer and sell corporate securities and bonds, real estate investment trusts and mortgage investment trusts.
 - 5) The Series 79 Examination (Investment Banking Representative Examination), ~~together with~~ and either the Series 63 or Series 66 examination, shall qualify a salesperson to deal exclusively in investment banking.
- c) All scheduling for the examinations referred to in subsections (a) and (b) of this Section shall be made with and fees paid to an office of FINRA. The dealer, controlling person or issuer on whose behalf the salesperson is being registered shall submit in writing satisfactory evidence of passing the examination prior to registration of ~~that~~ such person in the State if ~~the~~ such information is not available to the Securities Department through the CRD.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 130.838 Procedures for Federal Covered Investment Adviser Notification Filing and Fees Under Section 8.C-5 of the Act

- a) Federal covered investment advisers shall file with ~~FINRA~~ the NASD, utilizing the IARD, Form ADV. The federal covered investment adviser shall also pay the

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filing fee specified in Section 130.110 ~~of this Part.~~

- b) For purposes of annual notification filing, a federal covered investment adviser shall file with ~~FINRA~~the NASD, utilizing the IARD. The federal covered investment adviser shall also pay the filing fee specified in Section 130.110 ~~of this Part.~~
- c) Amendments to Form ADV shall be filed with ~~FINRA~~the NASD, utilizing the IARD.
- d) In the event the federal covered investment adviser changes the form of its organization, it shall pay the fee specified in Section 130.110 ~~of this Part.~~
- e) A federal covered investment adviser that is no longer eligible for SEC registration shall file an amendment to Form ADV with the SEC and ~~FINRA~~the NASD, utilizing the IARD, indicating it is no longer eligible for SEC registration.
- f) In the event the notification or the full amount of fees required by this Section is not filed with or paid to the Secretary of State, the Secretary of State shall notify the federal covered investment adviser of ~~the~~such deficiency in writing, or by facsimile or electronic transmission (provided that the Securities Department can demonstrate in the normal course of its business that the notice was delivered or transmitted to and received by the federal covered investment adviser or its designee). In the event the federal covered investment adviser fails to remedy the deficiency within ~~10~~ten business days after receiving notice of ~~the~~such deficiency from the Secretary of State, the Secretary of State may deem ~~the failure to~~remedy~~such~~ as a refusal and require the federal covered investment adviser to register pursuant to ~~subsections A and D of~~ Section ~~8.A and 8.D~~8 of the Act.
- g) For the limited purpose of this Section and solely for the filings and/or fees submitted to the IARD, the terms "with the Secretary of State" as used in ~~Section~~Sections 8.C-5, 8.D, 8.D-5 and 8.H ~~of the Act~~ and "with the Securities Department" as used in this Section shall include a filing and/or fee made with ~~FINRA~~the NASD utilizing the IARD.
- h) Annual Notifications
~~Proration. Fees paid with annual notifications filed in the calendar year 2001 (except late filing fees, if any) shall be prorated based upon the number of months~~

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~~remaining in calendar year 2001.~~ All annual notifications ~~filed in the calendar year 2001~~ shall expire at the end of the day on December 31 ~~annually, 2001.~~ ~~Beginning in the calendar year 2002, all filings shall be on a calendar year basis.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 130.839 Procedures for Registration as an Investment Adviser Representative Under Section 8.D-5 of the Act

- a) Effective October 1, 2002, each new applicant filing as an investment adviser or federal covered investment adviser shall file with ~~FINRA~~the NASD, utilizing the ~~CRDIARD~~, a complete Form ~~U4U-4~~ for each investment adviser representative and pay the filing fee specified in Section 130.110 ~~of this Part.~~
- b) For purposes of the annual re-registration of investment adviser representatives, each investment adviser and federal covered investment adviser shall file with ~~FINRA~~the NASD, utilizing the ~~CRDIARD~~, and pay the filing fee specified in Section 130.110 ~~of this Part.~~
- c) For the purposes of this Section, an investment adviser representative of a federal covered investment adviser shall mean any partner, officer, director (or other person occupying a similar status or performing similar functions), or an employee of a federal covered investment adviser, or any other person who provides investment advice on behalf of the federal covered investment adviser and is subject to the supervision and control of the federal covered investment adviser, if: ~~1) more than 10~~ten percent of ~~thesuch~~ person's clients are natural persons, other than sophisticated clients; and ~~2)thesuch~~ person has a place of business in the State of Illinois. As used in this subsection, the term "sophisticated client" shall mean a natural person who, immediately after entering into the investment advisory contract with the federal covered investment adviser, has at least \$500,000 under management with the federal covered investment adviser or the federal covered investment adviser reasonably believes, immediately prior to entering into the advisory contract, the person has a net worth (together with assets held jointly with a spouse) at the time the contract is entered into of more than \$1,000,000.
- d) The application on file with the Securities Department shall be amended whenever a change occurs that renders inaccurate any information contained in the application. The amendment shall be filed with ~~FINRA~~the NASD, utilizing

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the CRDIARD, within ~~10~~ten business days after the occurrence of the change.

- e) In the event the investment adviser representative's activities are terminated, the investment adviser shall file a Form U5U-5 with FINRA~~the NASD~~, utilizing the CRDIARD, within 30 days after the termination.
- f) In the event the investment adviser representative transfers registration from one investment adviser or federal covered investment adviser to another investment adviser or federal covered investment adviser, the new investment adviser or federal covered investment adviser shall file a Form U4U-4 with FINRA~~the NASD~~, utilizing the CRDIARD, and pay the filing fee specified in Section 130.110~~of this Part~~.
- g) For the limited purpose of this Section and solely for filings and/or fees submitted to the CRD or IARD, the terms "with the Secretary of State", as used in SectionSections 8.C-5, 8.D, 8.D-5 and 8.H of the Act and "with the Securities Department", as used in this Section, shall include a filing and/or fee made with FINRA~~the NASD~~ utilizing the CRD or IARD.
- h) Re-registration
~~Proration. Filing fees paid with the annual re-registration of each investment adviser representative filed in the calendar year 2001 (except late filing fees, if any) shall be prorated based on the number of months remaining in calendar year 2001. All annual re-registrations of investment adviser representatives filed in the calendar year 2001 shall expire at the end of the day on December 31 annually; 2001. Beginning in calendar year 2002, all annual re-registrations of investment adviser representatives shall be on a calendar year basis.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 130.840 Procedures for Registration as an Investment Adviser Under Section 8.D of the Act

- a) Effective October 1, 2002, each new applicant for registration as an investment adviser shall file with FINRA~~the NASD~~, utilizing the IARD, a complete and current application and pay the filing fee and branch office fee, if any, specified in Section 130.110~~of this Part~~. The application shall consist of the following:
- 1) The Revised Uniform Application for Investment Adviser Registration

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required by 17 CFR 279.1 ~~as in effect on (May 31, 2011) October 10, 2000~~
(no subsequent amendments or editions) including Schedule D ~~thereto~~
listing all branch offices in this State, if any;

- 2) One copy of Form U4U-4 for each investment adviser representative on behalf of the applicant and pay the fee specified in Section 130.110 ~~of this Part.~~
- b) Each applicant for registration as an investment adviser, in addition to the filings required under subsection (a) ~~of this Section~~, shall file with the Securities Department the following:
- 1) A balance sheet for the investment adviser as of a date not more than 60 days prior to the date of the filing of the application. The balance sheet shall be verified and executed by the chief financial officer of the investment adviser, if any, or other person performing a similar function and must contain:
 - A) an affirmation that the information is true and correct; and
 - B) a statement disclosing whether the investment adviser retains, or during the term of registration will retain, custody of any client's cash or securities or accept pre-payment of fees in excess of \$500 per client and six or more months in advance;
 - 2) One copy of page one of the applicant's most recent Articles of Incorporation or, if a partnership, certificate of assumed name or similar document evidencing the legal name of the applicant;
 - 3) At or prior to registration of the investment adviser, there shall be on file with the Securities Department, whether through the CRD, IARD or otherwise, the following:
 - A) Proof of passing one or more of the requisite examinations, certifications or designations listed in Section 130.842 ~~of this Part~~ for each required principal, unless the Secretary ~~issues~~ shall have ~~issued~~ an order waiving ~~this~~ requirement pursuant to Section 8.D of the Act; and

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- B) Any ~~and all~~ amendments ~~required~~ to the application and documents filed pursuant to ~~this~~ subsection (a), whether as a result of a change in the information provided since the date of filing or otherwise;
- 4) One copy of Form U4U-4 for each investment adviser representative who renders investment advice in this State on behalf of the applicant and the fee specified in Section 130.110 ~~of this Part~~;
- 5) One copy of the Illinois Form containing an attestation that the investment adviser has not previously rendered investment advice for compensation in this State, or setting forth a claim of exemption or exclusion;
- 6) One copy of a written statement manually executed by an officer, partner or principal of the registered dealer consenting to the dual registration as investment adviser and salesperson, if registered as a salesperson in this State; and
- 7) One copy of Part II of the Revised Uniform Application for Investment Adviser Registration (Form ADV) required by subsection (a)(1) ~~of this Section~~.
- c) The application and documents on file with the Securities Department with respect to the investment adviser shall be amended from time to time whenever a change occurs that renders any material information contained in those documents therein not accurate in any material respect. ~~The Such~~ amendment shall be filed with FINRA the NASD, utilizing the IARD, within 10 ten business days after the occurrence of the change.
- d) For purposes of this Section, material information includes, but is not limited to:
- 1) the name and address of the investment adviser;
 - 2) type of business organization of the investment adviser;
 - 3) disciplinary action concerning the investment adviser;
 - 4) whether the investment adviser has custody of clients' funds or securities or accepts pre-payment of in excess of \$500;

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- 5) whether the investment adviser has discretion over clients' portfolios; or
- 6) whether the investment adviser will give clients Part II of the Uniform Application for Investment Adviser Registration required by subsection (a)(1) ~~of this Section~~ or another document containing the same information.
- e) For the limited purpose of this Section and solely for the filings and/or fees submitted to the IARD, the terms "with the Secretary of State", as used in ~~Section Sections~~ 8.C-5, 8.D, 8.D-5 and 8.H ~~of the Act~~, and "with the Securities Department", as used in this Section, shall include a filing and/or fee submitted to ~~FINRA, NASD~~ utilizing the IARD.
- f) Annual Re-registration
~~Proration. Filing fees paid with annual re-registration filed in the calendar year 2001 (except late filing fees, if any) shall be prorated based upon the number of months remaining in the calendar year 2001.~~ All new registration applications and re-registration applications ~~filed in the calendar year 2001~~ shall expire at the end of the day on December 31 ~~annually, 2001. Beginning in the year 2002, all filings shall be on a calendar year basis.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 130.841 Reporting of Investment Adviser Branch Office Locations and Required Fees

- a) Each investment adviser shall file with the Securities Department with its application for registration a schedule setting forth the address of each branch office in this State as defined in Section 130.280 ~~of this Part~~. A Schedule D of the Revised Uniform Application for Investment Adviser Registration required by Section 130.840(a)(1) ~~of this Part~~ disclosing each branch office in this State shall be accompanied by the payment of the fee in the form and amount specified in Section 130.110 ~~of this Part~~ for each branch office in this State.
- b) Each registered investment adviser shall file or have filed with the Securities Department prior to re-registration a schedule setting forth the address of each branch office and pay to the Securities Department in Springfield a fee in the form and amount specified in Section 130.110 ~~of this Part~~ for each branch office in this

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State.

- c) No registration or re-registration of an investment advisor shall become effective until ~~the such~~ schedule of the investment adviser's branch office has been filed with the Securities Department and the fee, if any, has been paid.
- d) The registered investment adviser shall amend its application for registration by filing with the Securities Department in Springfield within ~~10ten~~ business days after:
- 1) the opening of any branch office in this State not previously reported, ~~and~~ setting forth the address of that branch office; and
 - 2) the closing of any branch office in this State, ~~and~~ setting forth the address of that branch office.
- e) For the limited purpose of this Section and solely for the filings and/or fees submitted to the IARD, the terms "with the Secretary of State" as used in ~~Section~~ Sections 8.C-5, 8.D, 8.D-5, and 8.H ~~of the Act,~~ and "with Securities Department", as used in this Section, shall include a filing and/or fee submitted to ~~FINRA, NASD~~ utilizing the IARD.
- f) Annual Re-registration
~~Proration. Filing fees paid with annual re-registration filed in the calendar year 2001 (except late filing fees, if any) shall be prorated based upon the number of months remaining in the calendar year 2001.~~ All new registration applications and re-registration applications ~~filed in the calendar year 2001~~ shall expire at the end of the day on December 31 ~~annually, 2001. Beginning in the year 2002, all filings shall be on a calendar year basis.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 130.842 Examinations and Education Programs Deemed Satisfactory for Purposes of Determining Sufficient Knowledge for Each Principal Under Section 8.D.(9) of the Act Prior to Registration as an Investment Adviser

- a) Examination Requirements. Any person applying to be registered as an Investment Adviser principal under the Act shall provide the Secretary of State with proof of obtaining a passing score on one of the following examinations:

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- 1) The Uniform Investment Adviser Law Examination (Series 65 examination); or
 - 2) The General Securities Representative Examination (Series 7 examination) and the Uniform Combined State Law Examination (Series 66 examination).
- b) Grandfathering:
- 1) Any person who is registered as an investment adviser in any jurisdiction in the United States on May 1, 2000 shall not be required to satisfy the examination requirements for continued registration, except that the Secretary of State may require additional examinations for any person found to have violated any state or federal securities law.
 - 2) Any person who has not been registered in any jurisdiction for a period of two years shall be required to comply with the examination requirements of this Section.
- c) Waivers. The examination requirements shall not apply to any person who currently holds one of the following professional designations:
- 1) Certified Financial Planner (CFP) awarded by the Certified Financial Planner Board of Standards, Inc.;
 - 2) Chartered Financial Consultant (ChFC) awarded by the American College, Bryn Mawr, Pennsylvania;
 - 3) Personal Financial Specialist (PFS) awarded by the American Institute of Certified Public Accountants;
 - 4) Chartered Financial Analyst (CFA) awarded by the Institute of Chartered Financial Analysts;
 - 5) Chartered Investment Counselor (CIC) awarded by the Investment [Adviser Association](#)~~Counsel Association of America, Inc.~~; or
 - 6) ~~AnySuch~~ other professional designation as the Secretary of State may

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recognize by rule or by an order under ~~Section 8 of the Act~~815 ILCS 5/8.

- d) Scheduling of the Series 7, 65 or 66 examination shall be arranged by the applicant and fees paid to ~~FINRA~~the NASD.
- e) The applicant shall submit in writing to the Securities Department satisfactory proof of the designation or certification referred to in subsection (c) ~~of this Section~~ prior to registration as an investment adviser.
- f) No person shall be deemed to have sufficient knowledge to act as principal of an investment adviser in this State unless and until he or she is ~~18~~eighteen years of age ~~in this State~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 130.843 Examination and Education Program Requirements for Registration as an Investment Adviser Representative Under Section 8.D-5 of the Act

- a) Examination Requirements. Any person applying to be registered as an Investment Adviser Representative under the Act shall provide the Secretary of State with proof of obtaining a passing score on one of the following examinations:
 - 1) The Uniform Investment Adviser Examination (Series 65 examination); or
 - 2) The General Securities Examination (Series 7 examination) and the Uniform Combined State Law Examination (Series 66 examination).
- b) Grandfathering:
 - 1) Any person who is registered as an investment adviser in any jurisdiction in the United States on May 1, 2000 shall not be required to satisfy the examination requirements for continued registration, except that the Secretary of State may require additional examinations for any person found to have violated any state or federal securities law.
 - 2) Any person who has not been registered in any jurisdiction for a period of two years shall be required to comply with the examination requirements of this Section.

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- c) Waivers. The examination requirements shall not apply to any person who currently holds one of the following professional designations:
- 1) Certified Financial Planner (CFP) awarded by the Certified Financial Planner Board of Standards, Inc.;
 - 2) Chartered Financial Consultant (ChFC) awarded by the American College, Bryn Mawr, Pennsylvania;
 - 3) Personal Financial Specialist (PFS) awarded by the American Institute of Certified Public Accountants;
 - 4) Chartered Financial Analyst (CFA) awarded by the Institute of Chartered Financial Analysts;
 - 5) Chartered Investment Counselor (CIC) awarded by the Investment [Adviser Association](#)~~Counsel Association of America, Inc.~~; or
 - 6) ~~Any Such~~ other professional designation as the Secretary of State may recognize by rule or by an order under [Section 8 of the Act](#)~~815 ILCS 5/8~~.
- d) Scheduling of the Series 7, 65 or 66 examination shall be arranged by the applicant and fees paid to [FINRA](#)~~the NASD~~.
- e) The applicant shall submit in writing to the Securities Department satisfactory proof of the designation or certification referred to in subsection (c) ~~of this Section~~ prior to registration as an investment adviser representative.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 130.846 Written Disclosure Statements of a Registered Investment Adviser

- a) General ~~Requirement~~~~requirement~~.
Unless otherwise provided in this Section, an investment adviser, registered or required to be registered pursuant to Section ~~8.D8(D)~~ of the Act, shall, in accordance with the provisions of this Section, furnish each advisory client and prospective advisory client with a written disclosure statement required by 17 CFR 275.204-3 ~~as in effect on (May 31, 2011)~~ [July 1, 1989](#) ~~(no subsequent~~

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~~amendments or editions).~~

b) Delivery:

1) An investment adviser, except as provided in subsection ~~(2) of this subsection~~ (b)(2), shall deliver the statement required by this Section to an advisory client or prospective advisory client:

A) not less than 48 hours prior to entering into any written or oral investment advisory contract with ~~asuch~~ client or prospective client; or

B) at the time of entering into ~~any such~~ contract, if the advisory client has a right to terminate the contract without penalty within five ~~(5)~~ business days after entering into the contract.

2) Delivery of the statement required by ~~subsection (1) of this~~ subsection (b)(1) need not be made in connection with entering into:

A) an investment company contract; or

B) a contract for impersonal advisory services.

c) Offer to ~~Deliver~~ deliver:

1) An investment adviser, except as provided in ~~subsection (2) of this subsection~~ (c)(2), annually shall, without charge, deliver or offer in writing to deliver upon written request to each of its advisory clients the statement required by this Section.

2) The delivery or offer required by ~~subsection (1) of this~~ subsection (c)(1) need not be made to advisory clients receiving advisory services solely pursuant to:

A) an investment company contract; or

B) a contract for impersonal advisory services requiring a payment of less than \$200-00.

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- 3) With respect to an advisory client entering into a contract or receiving advisory services pursuant to a contract for impersonal advisory services which requires a payment of \$200.00 or more, an offer of the type specified in ~~subsection (1) of this~~ subsection (c)(1) shall also be made at the time of entering into an advisory contract.
- 4) Any statement requested in writing by an advisory client pursuant to an offer required by this subsection (c) must be mailed or delivered within seven ~~(7)~~ days ~~after~~ the receipt of the request.
- d) Omission of ~~Inapplicable Information~~~~inapplicable information~~.
If an investment adviser renders substantially different types of investment advisory services to different advisory clients, any information required may be omitted from the statement furnished to an advisory client or prospective advisory client if ~~thesuch~~ information is applicable only to a type of investment advisory service or fee ~~thatwhich~~ is not rendered or charged, or proposed to be rendered or charged, to that client or prospective client as provided by 17 CFR 275.204-3 ~~as in effect on (May 31, 2011)~~ July 1, 1989 ~~(no subsequent amendments or editions)~~.
- e) Other ~~Disclosures~~~~diselosures~~.
Nothing in this Section shall relieve any investment adviser from any obligation ~~underpursuant to any provision of~~ the Act or this Part or other federal or ~~State~~~~state~~ law to disclose any information to its advisory clients or prospective advisory clients not specifically required by this Section.
- f) Definitions. For the purpose of this Section:
 - 1) "~~Contracte~~~~contract~~ for impersonal advisory services" means any contract relating solely to the provision of investment advisory services:
 - A) by means of written material or oral statements ~~thatwhich~~ do not purport to meet the objectives or needs of specific individuals or accounts;
 - B) through the issuance of statistical information containing no expression of opinion as to the investment merits of a particular security; or
 - C) any combination of the ~~foregoing~~ services listed in subsections

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(f)(1)(A) and (B):-

- 2) "~~Entering~~~~entering~~ into," in reference to an investment advisory contract, does not include an extension or renewal without material change of any ~~such~~ contract ~~that~~~~which~~ is in effect immediately prior to ~~the~~~~such~~ extension or renewal; and
- 3) "~~Investment~~~~investment~~ company contract" means a contract with an investment company registered under the Federal 1940 Investment Company Act ~~that~~ ~~of 1940~~ ~~which~~ ~~meets~~ the requirements of ~~section~~~~Section~~ 15(c) of that Act, as defined in Section 130.200 of this Part.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 130.852 Compensation

- a) No registered investment adviser or its representatives shall charge or receive compensation in connection with the giving of investment advice unless ~~the~~~~such~~ compensation is fair and reasonable and is determined on an equitable basis adequately disclosed to each client in writing.
- b) No registered investment adviser or its representatives shall charge or receive compensation in connection with the giving of investment advice ~~that~~~~which~~ provides for compensation to the investment adviser or its representative on the basis of a share of the capital gains upon, or the capital appreciation of, the funds, or any portion of the funds, of a client, unless ~~the~~~~such~~ fees are charged in conformance with the provisions set forth in 17 CFR 275.205-3, ~~as in effect on~~ (May 31, 2011) ~~January 1, 1997~~ ~~(no subsequent amendments or editions)~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

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- 1) Heading of the Part: Chief Procurement Officer for Department of Transportation
Contract Procurement
- 2) Code Citation: 44 Ill. Adm. Code 6
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
6.610	Amend
6.800	New
6.810	New
6.820	New
8.830	New
6.840	New
6.850	New
6.860	New
- 4) Statutory Authority: Implementing the Illinois Procurement Code [30 ILCS 500] and Section 2705-600 of the Department of Transportation Law [20 ILCS 2705/2705-600] and authorized by Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25] and Section 2705-600(7) of the Department of Transportation Law [20 ILCS 2705/2705-600(7)]
- 5) A Complete Description of the Subjects and Issues Involved: The Chief Procurement Officer (CPO) for the Department of Transportation and the Department of Transportation (Department) are amending this Part for consistency with Public Act 97-228, effective July 28, 2011. PA 97-228 amends provisions of the Department of Transportation Law [20 ILCS 2705/2705-600] with respect to the implementation of a target market program by the CPO, in consultation with the Department, to remedy specific instances and patterns of egregious race or gender discrimination within the geographic market area served by the Department or construction market in which the Department operates. The Public Act authorizes the CPO, in consultation with the Department, to determine appropriate contract formation and bidding procedures for target market contracts, including, but not limited to, the dividing of procurements so designated into contract award units in order to facilitate offers or bids from minority-owned businesses and female-owned businesses.

Following are summaries of the significant changes being made to this Part.

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Section 6.610, Notice of Suspension, is being revised, per the Procurement Policy Board's request, to provide that a notice of suspension will be mailed to the Board within five days after contractor notification.

A new Subpart, "Subpart J: Target Market Program", is being added to the Part with Sections 6.800 – 6.860 prescribing program provisions.

A new Section 6.800, Purpose and Objective, is being added to provide a general overview of the target market program provisions, including the reason for the target market program.

A new Section 6.810, Definitions, is being added to provide a list of terms used throughout the new Subpart J, including definitions of "Egregious Race or Gender Discrimination" and "Strong Basis in Evidence".

A new Section 6.820, Implementation Procedures, is being added prescribing the type of evidence of egregious racial or gender discrimination, related to the performance of contracts awarded to complete transportation construction projects during the course of each fiscal year, that will be reviewed and evaluated by the Department. Additionally, this Section includes procedures utilized by the CPO and the Department to remedy the egregious discrimination in the event that a finding of egregious discrimination has been identified, such as, the conducting and recording of a public hearing at which minority, female, general contractors, contracting organizations, community organizations and other interested parties may provide comments, and, the issuance of a written determination either to implement a narrowly tailored target market remedial action or to discontinue further action.

A new Section 6.830, Target Market Remedial Actions, is being added to prescribe target market remedial measures, including, but not limited to, contract formation actions, contract goal actions, contract incentive actions, and contract set-aside actions. Additionally, this Section prescribes that no contract will be eligible for inclusion in any target market action unless the Department, in consultation with the CPO, determines that there are at least 3 eligible businesses interested in participating in the contract.

A new Section 6.840, Participation Eligibility, is being added to prescribe that participation of eligible businesses in the target market program is limited to minority-owned and female-owned businesses certified as disadvantaged businesses in accordance with 30 ILCS 575 and 49 CFR 26, which is being incorporated by reference as of the October 1, 2010 edition.

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A new Section 6.850, Limitations Applicable to Participation, is being added to prescribe provisions concerning market domination prevention, training courses and audits of books and records by the Department or CPO, and a provision on exclusion from participation in the target market program due to a failure to cooperate.

Finally, a new Section 6.860, Severability, is being added to prescribe that invalidation of any portion of Subpart J by a court of competent jurisdiction will not operate to invalidate the entire Part.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Ill. Reg. Citation:</u>
6.10	Amend	35 Ill. Reg. 10654, July 8, 2011
6.20	Amend	35 Ill. Reg. 10654, July 8, 2011
6.30	Amend	35 Ill. Reg. 10654, July 8, 2011
6.40	Amend	35 Ill. Reg. 10654, July 8, 2011
6.50	Amend	35 Ill. Reg. 10654, July 8, 2011
6.55	New	35 Ill. Reg. 10654, July 8, 2011
6.60	Amend	35 Ill. Reg. 10654, July 8, 2011
6.70	Amend	35 Ill. Reg. 10654, July 8, 2011
6.80	Amend	35 Ill. Reg. 10654, July 8, 2011
6.90	Amend	35 Ill. Reg. 10654, July 8, 2011
6.100	Amend	35 Ill. Reg. 10654, July 8, 2011
6.110	Amend	35 Ill. Reg. 10654, July 8, 2011
6.120	Amend	35 Ill. Reg. 10654, July 8, 2011
6.125	Amend	35 Ill. Reg. 10654, July 8, 2011
6.140	Amend	35 Ill. Reg. 10654, July 8, 2011
6.150	Amend	35 Ill. Reg. 10654, July 8, 2011
6.180	Amend	35 Ill. Reg. 10654, July 8, 2011

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6.200	Amend	35 Ill. Reg. 10654, July 8, 2011
6.220	Amend	35 Ill. Reg. 10654, July 8, 2011
6.240	Amend	35 Ill. Reg. 10654, July 8, 2011
6.275	New	35 Ill. Reg. 10654, July 8, 2011
6.290	Amend	35 Ill. Reg. 10654, July 8, 2011
6.300	Amend	35 Ill. Reg. 10654, July 8, 2011
6.310	Repeal	35 Ill. Reg. 10654, July 8, 2011
6.330	Amend	35 Ill. Reg. 10654, July 8, 2011
6.360	Amend	35 Ill. Reg. 10654, July 8, 2011
6.370	Amend	35 Ill. Reg. 10654, July 8, 2011
6.380	Amend	35 Ill. Reg. 10654, July 8, 2011
6.385	New	35 Ill. Reg. 10654, July 8, 2011
6.388	New	35 Ill. Reg. 10654, July 8, 2011
6.420	Amend	35 Ill. Reg. 10654, July 8, 2011
6.430	Amend	35 Ill. Reg. 10654, July 8, 2011
6.440	Amend	35 Ill. Reg. 10654, July 8, 2011
6.470	Amend	35 Ill. Reg. 10654, July 8, 2011
6.480	Amend	35 Ill. Reg. 10654, July 8, 2011
6.490	Amend	35 Ill. Reg. 10654, July 8, 2011
6.500	Amend	35 Ill. Reg. 10654, July 8, 2011
6.510	Amend	35 Ill. Reg. 10654, July 8, 2011
6.520	Amend	35 Ill. Reg. 10654, July 8, 2011
6.530	Amend	35 Ill. Reg. 10654, July 8, 2011
6.540	Amend	35 Ill. Reg. 10654, July 8, 2011
6.550	Amend	35 Ill. Reg. 10654, July 8, 2011
6.560	Amend	35 Ill. Reg. 10654, July 8, 2011
6.570	Amend	35 Ill. Reg. 10654, July 8, 2011
6.590	Amend	35 Ill. Reg. 10654, July 8, 2011
6.600	Amend	35 Ill. Reg. 10654, July 8, 2011
6.610	Amend	35 Ill. Reg. 10654, July 8, 2011
6.620	Amend	35 Ill. Reg. 10654, July 8, 2011
6.630	Amend	35 Ill. Reg. 10654, July 8, 2011
6.640	Amend	35 Ill. Reg. 10654, July 8, 2011
6.680	Amend	35 Ill. Reg. 10654, July 8, 2011
6.690	Amend	35 Ill. Reg. 10654, July 8, 2011
6.740	Amend	35 Ill. Reg. 10654, July 8, 2011

- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State Mandate.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

Mr. Bill Grunloh, Chief Procurement Officer
Illinois Department of Transportation
2300 S. Dirksen Parkway, Room 200
Springfield, Illinois 62764

217/ 558-5434

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield, Illinois 62764

217/524-3838

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Minority- and female-owned businesses doing business with or seeking to do business with the Department may be affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: Additional reporting, record keeping and compliance monitoring will be required under the new Subpart J.
 - C) Types of professional skills necessary for compliance: None

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14) Regulatory Agenda on which this rulemaking was summarized: July 28 2011

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS
CHAPTER III: CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

PART 6

CHIEF PROCUREMENT OFFICER FOR [THE](#) DEPARTMENT OF TRANSPORTATION –
CONTRACT PROCUREMENT

SUBPART A: GENERAL

Section	
6.10	Authority
6.20	Policy
6.30	Purpose and Policy Interpretations
6.40	Definitions

SUBPART B: PUBLICATION OF PROCUREMENT INFORMATION

Section	
6.50	Transportation Bulletin
6.60	Subscription Fees
6.70	Direct Solicitation

SUBPART C: METHODS OF PROCUREMENT

Section	
6.80	Competitive Sealed Bids
6.90	Competitive Sealed Proposals
6.100	Small Contracts
6.110	Sole Source Contracts
6.120	Emergency Contracts
6.125	Small Business Set-Asides

SUBPART D: COMPETITIVE SEALED BID PROCEDURES

Section	
6.130	General Conditions for Use

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6.140	Invitations for Bids
6.150	Amendments to Invitations for Bids
6.160	Preparation of Bids
6.170	Delivery of Bids
6.180	Change or Withdrawal of Bids
6.190	Combination Bids for Construction Contracts
6.200	Pre-Bid Conferences
6.210	Public Opening of Bids
6.220	Consideration of Bids
6.230	Mistakes
6.240	Award After Bid Evaluation
6.250	Split and Multiple Awards
6.260	Time for Award
6.270	Delay in Award
6.280	Binding Contract
6.290	Requirement of Contract Bond for Construction Contracts
6.300	Execution of Contract
6.310	Publication of Contracts

SUBPART E: COMPETITIVE SEALED PROPOSAL PROCEDURES

Section	
6.320	General Conditions for Use
6.330	Request for Proposals
6.340	Delivery of Proposals
6.350	Evaluation of Proposals
6.360	Discussions with Responsible Offerors
6.370	Award
6.380	Publication of Contracts

SUBPART F: PROTESTS

Section	
6.390	Application
6.400	Interested Party
6.410	Subject of the Protest
6.420	Filing of a Protest
6.430	Stay of Action during Protest
6.440	Decision

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SUBPART G: SPECIFICATIONS

Section	
6.450	Standard Specifications
6.460	Contract Documents
6.470	Specification Standards

SUBPART H: SUSPENSION OF CONTRACTORS

Section	
6.480	Purpose
6.490	Definitions
6.500	Policy
6.510	General
6.520	Causes for Suspension
6.530	Interim Suspension
6.540	Voluntary Exclusion
6.550	Term of Suspension
6.560	Coverage
6.570	Other Agency Suspensions
6.580	Responsibility
6.590	Continuation of Executory Contracts
6.600	Exception Provision
6.610	Notice of Suspension
6.620	Response and Request for Hearing
6.630	Hearing Date and Hearing Officer
6.640	Answer
6.650	Form of Documents
6.660	Computation of Time
6.670	Appearances
6.680	Hearing Procedures
6.690	Determination

SUBPART I: MISCELLANEOUS

Section	
6.700	Property Rights
6.710	Federal Requirements

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6.720	Intergovernmental Agreements
6.730	No Waiver of Sovereign Immunity
6.740	Written Determinations
6.750	Severability

SUBPART J: TARGET MARKET PROGRAMSection

<u>6.800</u>	<u>Purpose and Objective</u>
<u>6.810</u>	<u>Definitions</u>
<u>6.820</u>	<u>Implementation Procedures</u>
<u>6.830</u>	<u>Target Market Remedial Actions</u>
<u>6.840</u>	<u>Participation Eligibility</u>
<u>6.850</u>	<u>Limitations Applicable to Participation</u>
<u>6.860</u>	<u>Severability</u>

AUTHORITY: Implementing the Illinois Procurement Code [30 ILCS 500] and Section 2705-600 of the Department of Transportation Law [20 ILCS 2705/2705-600] and authorized by Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25] and Section 2705-600(7) of the Department of Transportation Law [20 ILCS 2705/2705-600(7)].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 11602, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 21060, effective November 25, 1998; emergency amendment at 29 Ill. Reg. 7832, effective May 12, 2005, for a maximum of 150 days; emergency expired October 8, 2005; amended at 29 Ill. Reg. 18147, effective October 19, 2005; recodified, pursuant to PA 96-795, from Department of Transportation, 44 Ill. Adm. Code 660, to Chief Procurement Officer for Department of Transportation, 44 Ill. Adm. Code 6, at 35 Ill. Reg. 10158; amended at 35 Ill. Reg. _____, effective _____.

SUBPART H: SUSPENSION OF CONTRACTORS

Section 6.610 Notice of Suspension

- a) Any contractor that the Department proposes to suspend pursuant to this Part will be furnished written notice by personal service or by certified or registered mail.
- b) The notice will include the following:
 - 1) The cause for suspension on which the proposed suspension is based.

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- 2) A clear and concise statement of the matters asserted and acts complained of, and the statutes, cause or rules upon which the allegations in the notice are based.
 - 3) The legal authority and jurisdiction under which the action is taken, and the consequences of a failure to respond.
- c) A notice may be amended at any time.
 - d) If the Secretary has imposed an interim suspension, the notice will so indicate, will provide the reasons for the interim suspension, will state the interim period, and will state whether the interim suspension is pending completion of an investigation, an ensuing legal proceeding or a hearing provided according to this Subpart H.
 - e) Except in cases of interim suspensions imposed by reason of indictment, the notice will set forth the right to request a hearing.
 - f) For informational purposes, a copy of the written notice of suspension will be mailed to the Procurement Policy Board within five days after contractor notification.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART J: TARGET MARKET PROGRAM**Section 6.800 Purpose and Objective**

- a) Purpose
It is the responsibility of the CPO to implement, in collaboration with the Department, appropriate administrative procedures to determine the need for the establishment of a target market program, as required by Section 2705-600 of the Department of Transportation Law [20 ILCS 2705/2705-600], and to establish appropriate administrative procedures governing the scope and implementation of any target market action. The statutory purpose of this Subpart is to authorize the CPO, in consultation with the Department, to implement a target market program applicable to transportation construction project contract procurement, as necessary, to remedy particular incidents and patterns of egregious race or gender

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discrimination.

b) Objective

Coordinated action is required between the CPO and the Department to **implement** this Subpart, deemed necessary by the CPO, to establish and administer a target market program applicable to contracts entered into by the Department. Adoption of appropriate administrative procedures by rule to implement a target market program requires the CPO and the Department to address the evidentiary tests established by Section 2705-600 of the Law and the courts that govern race-based and gender-based governmental actions and policies. Generally, race-based and gender-based government actions, including contract procurement, have been subject to high levels of judicial scrutiny to ensure that the governmental action addresses a compelling interest in remedying discrimination shown by a strong basis in evidence, and employing remedies that are narrowly tailored to the evidence. It is the objective of this Subpart to ensure that any action to establish and implement a target market program applicable to Department contracts meets the evidentiary tests and that target market remedies utilized are narrowly tailored.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 6.810 Definitions

As used throughout this Subpart, each term listed in this Section has the meaning set forth as follows unless its use clearly requires a different meaning. Terms may be defined in particular Sections for use in that Section.

"Act" means the Business Enterprises for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575].

"Chief Procurement Officer" or "CPO" means the official appointed and empowered to procure contracts for the Department in accordance with Section 10-20 of the Illinois Procurement Code [30 ILCS 500/10-20].

"Construction Industry Markets" or "Construction Markets" means the universe of public works construction and maintenance in which contractor and subcontractor availability and expenditures are studied for purposes of evaluating evidence of egregious discrimination related to transportation construction project participation.

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"Department" means the Illinois Department of Transportation.

"Disadvantaged Business Enterprise" means a business certified in accordance with 49 CFR 26 as eligible to participate in USDOT financial assistance programs and in contracts funded exclusively with State funds pursuant to Section 6(d) of the Act.

"Egregious Race or Gender Discrimination" means flagrant race or gender discrimination documented in specific instances within the geographic market area served by the Department or construction market in which the Department operates.

"Female-Owned Business" means, for purposes of contracts funded exclusively with State funds, the same as defined in Section 2 of the Act.

"Geographic Market Area" means the geographic area in which contractor and subcontractor availability and expenditures are studied for purposes of evaluating evidence of egregious discrimination related to transportation construction project participation.

"Goal-Oriented Remedial Programs" means participation programs implemented by the Department pursuant to the Act and, for purposes of federal assistance contracts, the Disadvantaged Business Enterprise program adopted in accordance with 49 CFR 26.

"Law" means the Department of Transportation Law [20 ILCS 2705/2705-600].

"Minority-Owned Business" means, for purposes of contracts funded exclusively with State funds, the same meaning as defined in Section 2 of the Act and, for purposes of federal assistance contracts, a Disadvantaged Business Enterprise.

"Strong Basis in Evidence" means the level of specific qualitative and quantitative evidence determined by the Department and CPO to support a prima facie case of clearly identified egregious race or gender discrimination or patterns of deliberate exclusion, public or private, related to transportation construction.

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"Transportation Construction Projects" means the complete scope of services and work related to the construction and maintenance of highway, air and rail transportation facilities and infrastructure undertaken by the Department.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 6.820 Implementation Procedures**a) Evidentiary Findings**

The Department is required to review any and all evidence of egregious race or gender discrimination related to the performance of all contracts awarded to complete the transportation construction projects undertaken during the course of each fiscal year. Inasmuch as the statute did not specify a particular target market remedy, it is the delegated responsibility of the Department to evaluate any and all evidence of egregious racial or gender discrimination that may have occurred during the performance of its transportation construction projects to determine whether the required factual predicate exists to support the establishment of a target market program by the CPO. Furthermore, the Department is mandated to determine and define a compelling interest in remedying the identified discrimination by making a record of the evidence disclosed by the review. The evidence to be reviewed by the Department includes, but is not limited to:

- 1) Utilization of Disadvantaged Business Enterprises, minority-owned businesses and female-owned businesses in Department contracts and subcontracts.
- 2) Availability of qualified, willing and able Disadvantaged Business Enterprises, minority-owned businesses and female-owned businesses in the Department's geographic market areas and specific construction industry markets.
- 3) Disparities among the utilization of Disadvantaged Business Enterprises, minority-owned businesses and female-owned businesses in the Department's geographic market areas and the utilization of those firms participating on the Department's contracts and subcontracts in those markets.
- 4) Disparities among the utilization of Disadvantaged Business Enterprises, minority-owned businesses and female-owned businesses in the

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construction industry markets in which the Department operates and the utilization of those firms in the construction economy in which the Department operates.

- 5) Rates of business formation in the geographic and construction markets and the dollars earned by those businesses.
 - 6) Quantitative and qualitative anecdotal evidence of discrimination related to transportation construction projects.
 - 7) Documented incidents evidencing discrimination related to transportation construction projects.
 - 8) Documented and reported results of established goal-oriented remedial programs affecting the geographic market areas or construction markets.
- b) After evaluation of all evidence considered, the Department may issue findings that there is a strong basis in the evidence that there is a compelling interest present to remedy the egregious discrimination identified in the findings against a specific group, race or gender, and that the only remedy for the discrimination is a narrowly tailored target market remedial action. The findings will be provided to the CPO for review in order to determine whether the CPO concurs in the findings. In the event that the Department issues no findings of a compelling interest, the CPO will be informed that the evidentiary review was concluded without findings.
- c) Public Hearing
The Department will conduct a public hearing if the CPO concurs in the findings that the Department has a strong basis in evidence that there is:
- 1) a compelling interest in remedying the identified race or gender discrimination;
 - 2) insufficient race or gender-neutral means available to remedy the egregious discrimination;
 - 3) insufficient existing goal-oriented remedial programs available to remedy the egregious discrimination; and

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- 4) that the only remedy for the race or gender discrimination is a narrowly tailored target market remedial action.
- d) The Department will set a time and place for the hearing. Minority, female, general contractor, contracting organization, community organization and other interested parties shall have the opportunity to provide comments. After concurrence by the CPO, the hearing will take place within 30 days. A written record of the public hearing will be made and kept by the CPO. (See Section 2705-600(0.5) of the Law.)
- e) Implementation
Within 14 calendar days following the public hearing, and after consideration of the comments provided by the public, the CPO, in consultation with the Department, will make a written determination either to implement a narrowly tailored target market remedial action or to discontinue further action. The written determination will identify the type of target market remedial action to be implemented and any race or gender limitations applicable to the action. The written determination will be publicly available on the Department's website at www.dot.il.gov.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 6.830 Target Market Remedial Actions

- a) Narrow Tailoring
The procurement of contracts by the CPO to complete transportation construction projects undertaken by the Department is adversely affected by the presence of discrimination. In addition to goal-oriented remedial programs, target market remedial actions will be implemented to eliminate the effects of discrimination in the performance of transportation construction projects. The target market remedial measures selected to remedy egregious discrimination will be narrowly tailored to the evidence relied on to support the action. The selection will specify whether, and to what extent, the remedial measure is subject to geographic market areas and/or construction market areas based on the evidence. In addition, the selection will establish specific, definite duration limitations based on the evidence. Target market remedial measures may include, but are not limited to, the following actions selected on the basis of the evidence as the most narrowly appropriate to remedy the identified discrimination:

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- 1) Contract Formation Actions
The Department, in consultation with the CPO, may designate specific contract work as reserved for performance solely by minority-owned businesses, female-owned businesses or disadvantaged business enterprises, as determined by the funding sources for the contract. This action removes some or all discretion from the bidding contractors or consultants as to the work to be performed by eligible minority, female or disadvantaged participants in the context of existing goal-oriented remedial programs. The contract and procurement documents will be drafted and advertised to require the contractor or consultant to make a good faith effort to have the identified reserved work performed by eligible minority, female or disadvantaged business participants. The CPO, in consultation with the Department, may implement contract formation and bidding procedures designed to encourage and facilitate bidding and offers by minority-owned, female-owned and disadvantaged businesses. This action includes, but is not limited to, dividing procurements into units conducive to eligible business participation, scheduling contract lettings at alternative locations conducive to eligible business participation, providing for bidding documentation and submission procedures conducive to eligible business participation and removal of bid bond requirements to induce eligible business participation. (See Section 2705-600(2) of the Law.)
- 2) Contract Goal Actions
The Department, in consultation with the CPO, may advertise contracts for award or selection with separate minority-owned and female-owned business participation goals in the context of existing goal-oriented remedial programs. This action may provide for either minority-owned or female-owned business utilization goals, or both, applicable to a particular contract or contracts.
- 3) Contract Incentive Actions
The Department, in consultation with the CPO, may establish bid incentives for achievement of minority-owned, female-owned or disadvantaged business enterprises goals advertised in contracts for award in the context of existing goal-oriented remedial programs. This action may provide for an incentive advertised as applicable to eligible bidders making the highest commitment to eligible business participation that would reduce the price bid for purposes of price comparison and

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determination of the lowest bid price for purposes of award.

4) Contract Set-Aside Actions

The Department, in consultation with the CPO, may advertise contracts for award or selection set-aside for minority-owned, female-owned or disadvantaged business enterprises exclusively. This action establishes a sheltered procurement process open only to eligible businesses determined to be responsible contractors in accordance with this Part.

b) Minimum Participation Availability

No contract will be eligible for inclusion in any target market action unless the Department, in consultation with the CPO, determines that there are at least 3 eligible businesses interested in participating in the contract. The determination will be based on the DBE certifications and other attendant factors. (See Section 2705-600(3) of the Law.)

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 6.840 Participation Eligibility

a) Participation of eligible businesses in the target market program will be limited to minority-owned and female-owned businesses certified as disadvantaged businesses in accordance with the provisions of Section 6(d) of the Act (see Section 2705-600(4) of the Law) and the federal Disadvantaged Business Enterprise program certification requirements (49 CFR 26) (October 1, 2010)). Copies of the appropriate material are available from the Chief Procurement Officer, Illinois Department of Transportation, 2300 S. Dirksen Parkway, Room 200, Springfield, Illinois 62764 or by calling 217/558-5434.

b) Joint ventures comprised solely of minority-owned businesses and female-owned businesses as venture partners are eligible to participate in the target market program.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 6.850 Limitations Applicable to Participation

a) Market Domination Prevention

In order to prevent domination of the target market program by a small number of

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businesses, no eligible business shall participate in more than 3 target market contracts during any calendar year. Businesses participating in the target market program shall remain eligible to participate in contracts not designated as target market contracts.

- b) Training and Audits
Businesses eligible for participation in the target market program shall cooperate with the Department by completing any training courses provided by the Department as a condition of eligibility. Participating eligible businesses shall make all books and records related to the performance of target market contracts available for audit by the Department or the CPO.
- c) Exclusion
A business may be excluded from participation in the target market program for failure to cooperate in any audit or for failure to complete training courses required for participation.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 6.860 Severability

Invalidation of any portion of this Subpart by a court of competent jurisdiction will not operate to invalidate the entire Part, which will remain in full force and effect. (See Section 2705-600(7) of the Law.)

(Source: Added at 35 Ill. Reg. _____, effective _____)

BOARD OF EXAMINERS

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Certificate of Certified Public Accountant
- 2) Code Citation: 23 Ill. Adm. Code 1400
- 3) Section Number: 1400.90 Adopted Action: Amend
- 4) Statutory Authority: Implementing the Illinois Public Accounting Act [225 ILCS 450]b and authorized by Section 26 of the Act [225 ILCS 450/26]
- 5) Effective Date of Amendment: September 26, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: June 24, 2011; 35 Ill. Reg. 9204
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This amendment clarifies and amends current educational requirements necessary for admission to take the Uniform Certified Public Accountant examination after June 30, 2011.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Russ Friedewald, Executive Director

BOARD OF EXAMINERS

NOTICE OF ADOPTED AMENDMENT

100 Trade Centre Dr., Suite 403
Champaign, IL 61820

217/531-0950

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

BOARD OF EXAMINERS

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER VI: BOARD OF EXAMINERSPART 1400
CERTIFICATE OF CERTIFIED PUBLIC ACCOUNTANT

Section

1400.10	Administrative Functions
1400.20	Duties of the Board of Examiners
1400.30	Appointment to the Board of Examiners
1400.40	Board Address
1400.50	Organization and Compensation of the Board of Examiners
1400.55	Admission to the Examination; Issuance of Reciprocal Certified Public Accountant Certificates
1400.60	Filing of the Application and Payment of Fees
1400.70	Rebate of Fees
1400.80	Appeals; Hearings
1400.90	The Educational Requirement
1400.100	Examinations – General
1400.105	Examinations – Misconduct
1400.110	Examinations – Uniform Examination – Non-Disclosure – Security
1400.115	Examinations – Required Confidentiality Statements
1400.116	Examination Examinations – Violations
1400.117	Examinations – Penalties for Violation of Non-Disclosure Provisions
1400.120	Examinations – Frequency
1400.130	Examinations – Scope
1400.140	Examinations – Length
1400.150	Examinations – Preparations and Grading
1400.160	Grading Scale, Transitional Condition Candidates, Transfer of Credits, Reciprocity and Out-of-State Candidates
1400.170	Re-Examination
1400.175	Candidate Request for Scoring Review
1400.177	Required Exam on Rules of Professional Conduct
1400.180	Certified Public Accountant Certificate – Awarding
1400.190	Retention of Records
1400.200	Disposition of Fees
1400.210	Granting Variances

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AUTHORITY: Implementing and authorized by Section 26 of the Illinois Public Accounting Act [225 ILCS 450/26].

SOURCE: Emergency rule at 5 Ill. Reg. 276, effective December 15, 1980, for a maximum of 150 days; adopted at 5 Ill. Reg. 8303, effective July 31, 1981; emergency amendment at 7 Ill. Reg. 7342, effective June 1, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 3342; amended at 8 Ill. Reg. 24720, effective December 12, 1984; amended at 10 Ill. Reg. 4237, effective February 21, 1986; amended at 18 Ill. Reg. 14143, effective August 26, 1994; emergency amendment at 19 Ill. Reg. 984, effective January 18, 1995, for a maximum of 150 days; transferred from Chapter V, 23 Ill. Adm. Code 1300 (Board of Trustees) pursuant to 225 ILCS 450, January 1, 1994, at 19 Ill. Reg. 6325; amended at 20 Ill. Reg. 6262, effective May 1, 1996; amended at 21 Ill. Reg. 13315, effective September 26, 1997; amended at 28 Ill. Reg. 4548, effective March 5, 2004; emergency amendment at 28 Ill. Reg. 16485, effective December 17, 2004, for a maximum of 150 days; emergency expired May 15, 2005; amended at 29 Ill. Reg. 19524, effective November 21, 2005; emergency amendment at 31 Ill. Reg. 11373, effective July 27, 2007, for a maximum of 150 days; emergency expired December 23, 2007; amended at 35 Ill. Reg. 16071, effective September 26, 2011.

Section 1400.90 The Educational Requirementa) Requirements Applicable Until January 1, 2001

1) As provided in Section 3 of the Act, to be admitted to take the examination given before January 1, 2001, a candidate for the Illinois certified public accountant examination must have successfully completed at least 120 semester hours of acceptable credit. Of the semester hours accepted by the Board, at least 27 semester hours shall be in the study of accounting, auditing and business law, provided not more than 6 semester hours shall be in business law. Candidates may apply to take the certified public accountant examination during their final term, semester or quarter, but must meet the educational requirements at the time the examination is given.

2)b) Acceptable credit recognized by the Board is:

A)4) credit earned from a college or university ~~that~~^{which} is a candidate for or is accredited by a regional accrediting association ~~that~~^{which} is a member of the Commission on Recognition of Postsecondary Accreditation (CORPA);⁵

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~~B)2)~~ credit earned at a business school or college of business within the educational institution that is accredited by the American Assembly of Collegiate Schools of Business (AACSB);~~3)~~ or

~~C)3)~~ Association of Collegiate Business Schools and Programs (ACBSP).

b) Requirements Applicable from January 1, 2001 Until July 1, 2013

~~1)e)~~ To be admitted to take the examination for the first time after January 1, 2001 until July 1, 2013, a candidate for the Illinois CPA examination must have successfully completed at least 150 semester hours of acceptable credit ~~and earned~~including a baccalaureate or higher degree. The semester hours accepted by the Board must include an accounting concentration or its equivalent. A candidate will be deemed to have met the education requirement if, as part of the 150 semester hours of education or equivalent as determined by the Board, he or she has met any one of the four conditions listed in subsections (~~be~~)(1)(A) through (D4). With each of the conditions listed, accounting hours do not include business law, and no more than six semester hours of accounting may be obtained through internships or life-experience.

~~A)1)~~ Earned a graduate degree with a concentration in accounting from a program that is accredited in accounting by an accrediting agency recognized by the Board.

~~B)2)~~ Earned a graduate degree from a program that is accredited in business by an accrediting agency recognized by the Board and completed at least 24 additional semester hours in accounting at the undergraduate level or 15 semester hours at the graduate level or equivalent combination thereof, including courses covering the subjects of financial accounting, auditing, taxation, and management accounting.

~~C)3)~~ Earned a baccalaureate degree from a program that is accredited in business by an accrediting agency recognized by the Board and completed 24 semester hours in accounting at the undergraduate or graduate level, including courses covering the subjects of financial

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accounting, auditing, taxation, and management accounting, and completed at least 24 additional semester hours of business courses, or substantially equivalent (other than accounting) courses, at the undergraduate or graduate level.

D)4) Earned a baccalaureate or higher degree from an accredited educational institution or other institution recognized by the Board, including at least 24 semester hours of accounting at the undergraduate and/or graduate level with at least one course each in financial accounting, auditing, taxation, and management accounting and completed at least 24 additional semester hours in business courses or substantially equivalent (other than accounting) courses at the undergraduate or graduate level.

2)d) For purposes of subsection ~~(be)(1)~~, the formula for conversion of quarter semester hours to semester hours is to multiply quarter hours by two-thirds. 1 semester hour times 1.5 equals 1 quarter hour.

3)e) Authorization to Test

A)1) Except as otherwise provided in subsection ~~(be)(32)(B)~~, proof of satisfactory completion of all educational requirements must be received by the Board before the Board issues an authorization to test.

B)2) First time candidates who apply for the examination ~~prior to July 1, 2005~~ will be granted provisional approval of in-progress courses taken at domestic institutions. Candidates granted provisional approval shall be allowed ~~12060~~ days from the date of taking the first section of the examination to provide evidence that all requirements have been completed. No grades will be released to the candidate until all final official credentials are received and eligibility verified by board staff. If final transcripts verifying completion of all courses for eligibility to sit are not received by the Board within ~~12060~~ days after taking the first examination section of the computer-based examination, grades for all examination sections authorized with provisional approval will be voided.

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- c) Requirements Applicable Beginning July 1, 2013
- 1) Examination Qualifications
- A) Beginning July 1, 2013, an applicant must provide proof of successful completion of:
- i) 150 semester credit hours, as defined, of college or university study that includes an accounting concentration or equivalent; and
- ii) a baccalaureate or higher degree; and
- iii) the requirements set out in subsection (c)(3).
- B) Applicants who have taken the Uniform Certified Public Accountant Examination at least once before July 1, 2013 may take the examination under the qualifications in effect when the examination was first taken.
- 2) Definitions
- A) Board – Illinois Board of Examiners (IBOE).
- B) Semester Credit Hours or SCH – conventional college or university semester credit hours.
- C) 150 SCH – accumulation of all credits earned and posted to the applicant's official college or university transcripts.
- D) Conversion of Quarter Credit Hours to SCH – quarter credit hours may be converted to SCH by multiplying quarter credit hours by two-thirds.
- E) Internship – faculty approved and appropriately supervised short-term work experience, usually related to student's major field of study, for which the student earns academic credit as posted to the applicant's official college or university transcripts.

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- F) Life Experience – college level life experience posted on a college or university transcript as academic credit that has been assessed by appropriate faculty and/or staff of that institution as earned competence. Those areas addressed in the review of life experience should, at a minimum, contain the context of the experience in relation to work and studies and a detailed description of the experience.
- G) AICPA Content Specification Outlines or CSOs – extent of the technical content identified to be tested on each of the four sections of the Uniform Certified Public Accountant Examination. The outlines list the areas, groups and topics to be tested.
- H) Colleges or Universities – Board-recognized institutions of higher education accredited by a regional accrediting association recognized by the Council for Higher Education Accreditation (CHEA) and/or the U.S. Department of Education (USDE). Recognition means the accrediting organization is certified as legitimate and competent. An individual program within a larger accredited institution may be separately accredited by a professional or specialized organization. Business schools recognized by the Board are accredited by the Association to Advance Collegiate Schools of Business (AACSB) or the Association of Collegiate Business Schools and Programs (ACBSP). Programs in accounting recognized by the Board are accredited by AACSB or ACBSP.
- I) Integration of Subject Matter – program of learning in which certain subjects that may be discrete courses in some colleges or universities are integrated or embedded within related courses. Colleges or universities that use an integrated approach to cover multiple course subjects will need to provide evidence of the required coverage. Acceptance of integration of any subject matter is subject to Board approval. Proof of coverage may be provided through specific evaluation by a national accrediting organization recognized by CHEA, such as AACSB or ACBSP, in which evidence is provided to assure the Board that the respective subjects adequately cover the desired content.

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- J) Ethics – program of learning that provides a framework of ethical reasoning, professional values and attitudes for exercising professional skepticism and other behavior that is in the best interest of the public and profession. At a minimum, an ethics program should provide a foundation for ethical reasoning and the core values of integrity, objectivity and independence.
 - K) Graduate Accounting Credit Hours – hours earned in courses classified by the college or university as post-secondary level courses leading to a master's degree. For purposes of meeting the accounting hours requirement, one graduate SCH is equivalent to 1.6 SCH earned at the undergraduate level.
 - L) Applicant – person who has applied to sit for the Uniform Certified Public Accountant Examination.
- 3) Examination Admittance
An applicant will be deemed to have met the educational requirement if as part of the 150 SCH of education, or equivalent as determined by the Board, the applicant has met any one of the following three conditions:
- A) Earned a graduate degree from an accounting program that is accredited in accounting by an accrediting agency recognized by the Board (see subsection (c)(2)(H));
 - B) Earned a graduate degree from a business or accounting program that is accredited in business by an accrediting agency recognized by the Board (see subsection (c)(2)(H)) and completed at least 30 SCH in accounting as described in subsection (c)(4) at the undergraduate level, or the equivalent at the graduate level;
 - C) Earned a baccalaureate or higher degree (except as defined (c)(3)(A) or (B)) from an accredited education institution recognized by the Board (see subsection (c)(2)(H)) and:
 - i) completed 30 SCH in accounting, as described in subsection (c)(4), at the undergraduate level, or the equivalent at the graduate level; and

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- i) Business ethics;
 - _____ ii) Business law;
 - iii) Economics;
 - _____ iv) Management;
 - _____ v) Marketing;
 - _____ vi) Finance;
 - vii) Business communication;
 - viii) Business statistics;
 - ix) Quantitative methods;
 - x) Information systems;
 - xi) Internship and/or life experience; or
 - xii) Other areas as may be approved by the Board.
- B) Internships and life experience credits included in the 24 SCH in business are limited to a maximum of three SCH.
- C) Two SCH in business communication and three SCH in business ethics is the maximum allowed in meeting the 24 SCH requirement. For integrated courses across the accounting and business curriculums, SCH may only apply in meeting either the accounting or business SCH requirement. The 24 SCH in business must include two SCH in business communication and three SCH in business ethics. The subject matter may be discrete courses or integrated throughout the undergraduate or graduate accounting curriculum or business curriculum. For example, if a three SCH course in accounting includes one SCH in business ethics, two

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SCH may count toward accounting requirements and one SCH may count toward the business ethics requirement.

- 6) Evaluation of Foreign Credentials
The Illinois Board of Examiners reserves the right to evaluate all foreign academic credentials. Evaluations completed by outside agencies are not accepted. Factors that are considered when evaluating foreign educational credentials are:
- A) The official status of the institution that issued the credentials;
 - B) The type of education that the credential represents: secondary, tertiary, academic, technical, vocational, pre-professional, in-service, or part of a certificate, diploma or degree program;
 - C) The authenticity of the credential;
 - D) The role the credential plays in the educational system of the country from which it came;
 - E) The recognition of the credential in the country where the candidate is from; and
 - F) The U.S. equivalent of the quantity and quality of education the credential represents.
- 7) Authorization to Test
- A) Except as otherwise provided in subsection (c)(7)(B), proof of satisfactory completion of all educational requirements must be received by the Board before the Board issues an authorization to test.
 - B) First time candidates who apply for the examination will be granted provisional approval of in-progress courses taken at domestic institutions. Candidates granted provisional approval shall be allowed 120 days from the date of taking the first section of the examination to provide evidence that all requirements have been completed. No grades will be released to the candidate until

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all final official credentials are received and eligibility verified by Board staff. If final transcripts verifying completion of all courses for eligibility to sit are not received by the Board within 120 days after taking the first examination section of the computer-based examination, grades for all examination sections authorized with provisional approval will be voided.

(Source: Amended at 35 Ill. Reg. 16071, effective September 26, 2011)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Hearing for Removal or Prohibition of Directors, Officers, Employees or Agents of a State Bank or a Branch of an Out-of-State Bank, Subsidiary or Holding Company of a State Bank or a Branch of an Out-of-State Bank, or Corporate Fiduciary, Subsidiary or Parent Company of a Corporate Fiduciary
- 2) Code Citation: 38 Ill. Adm. Code 900
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
900.10	Repealed
900.20	Repealed
900.30	Repealed
900.40	Repealed
900.50	Repealed
900.60	Repealed
900.70	Repealed
900.80	Repealed
900.90	Repealed
900.100	Repealed
900.110	Repealed
900.120	Repealed
900.130	Repealed
900.140	Repealed
900.150	Repealed
900.160	Repealed
900.170	Repealed
900.180	Repealed
900.190	Repealed
900.200	Repealed
900.210	Repealed
900.220	Repealed
900.230	Repealed
900.240	Repealed
900.250	Repealed
- 4) Statutory Authority: Implementing Section 48(7) of the Illinois Banking Act [205 ILCS 5/48(7)], Section 5-6 of the Corporate Fiduciary Act [205 ILCS 620/5-6], and Section 6 of the Foreign Bank Representative Office Act [205 ILCS 650/6] and authorized by Section 80(j) of the Illinois Banking Act [205 ILCS 5/80(j)]

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED REPEALER

- 5) Effective Date of Rulemaking: September 20, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the principal office of the Division of Insurance and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 10175; July 1, 2011
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: This Part was originally promulgated to establish a procedural framework for the State Banking Board to review administrative orders issued by the DFPR Secretary. Pursuant to Public Act 96-1163, effective January 1, 2011, the Illinois Banking Act [205 ILCS 5] was amended, eliminating a secondary tier of administrative review before the State Banking Board. Because the State Banking Board no longer has authority to review such matters, this Part is being repealed in its entirety. In accordance with Section 48(10) of the Act, all final administrative decisions of the Secretary are subject to judicial review in accordance with the Administrative Review Law [735 ILCS 5/3].
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED REPEALER

217/785/0813

Fax: 217/557-4451

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Suitability in Annuity Transactions
- 2) Code Citation: 50 Ill. Adm. Code 3120
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
3120.20	Amendment
3120.30	Amendment
3120.40	Amendment
3120.50	Amendment
3120.60	Renumbered, New Section
3120.70	Renumbered, Amendment
3120.80	Renumbered, Amendment
3120.90	Renumbered, Amendment
- 4) Statutory Authority: Implementing and authorized by Article XXXI of the Illinois Insurance Code [215 ILCS 5/Art. XXXI] and further authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401]
- 5) Effective Date of Rulemaking: September 26, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 4868; April 1, 2011
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:
 - a. In Section 3120.40, the proposed new text, the definition of "Continuing Education Credit" was deleted.

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- b. In Section 3120.40, in the definition of "Continuing Education Provider or CE Provider", "Section 3120.60 of this Part" was changed to "50 Ill. Adm. Code 3119".
 - c. In new Section 3120.60(a), the last sentence of that subsection that has been proposed was deleted.
 - d. In new Section 3120.60, subsection (b) was renumbered to (c) and the following text was added as new subsection (b): "The training requirements of subsection (c)(4) may be approved as continuing education courses under Section 500-35(b)(1) of the Code.". Proposed subsection (b) relettered to subsection (c).
 - e. In new Section 3120.60(c)(1), second line, "hour" was added after "four"; in the third line, "and provided by the Department approved education provider" was deleted from the adopted version of the rulemaking.
 - f. In new Section 3120.60(c)(2), second line, "on the effective date of this Section" was changed to "after June 30, 2012"; in the third line, "within six months after the effective date of this Section" was changed to "July 1, 2012"; in the fifth line, "on or after the effective date of this Section" was deleted from the adopted version of the rulemaking.
 - g. In new Section 3120.60(c)(3), after the first sentence, added "When an annuity product offers any long term care benefits as defined in 50 Ill. Adm. Code 2012.30, the insurance producer shall complete the training requirements in 50 Ill. Adm. Code 2012.121 prior to selling the annuity product.".
 - h. In new Section 3120.60, subsections proposed as (b)(6) through (8) were deleted in the adopted rulemaking and, as noted above, the remainder of subsection (b) was relettered as subsection (c).
 - i. In new Section 3120.60, subsection (b)(9) was renumbered as (c)(6) and in the first line, "the" was changed to "these" and "of another" was changed to "in any".
 - j. In new Section 3120.60, subsection (b)(10) was renumbered as (c)(7).
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: The regulation amends the rule to conform with changes to the National Association of Insurance Commissioners' (NAIC) Suitability in Annuity Transactions Model Regulation that was modified in the first quarter of 2010. The changes are designed to strengthen the present regulation by holding insurers responsible for annuity suitability whether or not the insurer contracts with a third party to supervise or monitor the marketing and sale of annuities, require producer training on the provisions of annuities in general and the specific products they are selling, and make the suitability standards more consistent with the suitability standards imposed by the Financial Industry Regulatory Authority.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Kelly Kruger, Assistant Deputy Director
Department of Insurance
320 West Washington Street
Springfield, Illinois 62767-0001

217/785-2263

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF ~~INSURANCE FINANCIAL AND PROFESSIONAL~~
~~REGULATION~~SUBCHAPTER ii: INSURANCE PRODUCERS, LIMITED INSURANCE
REPRESENTATIVES AND REGISTERED FIRMS

PART 3120

SUITABILITY IN ANNUITY TRANSACTIONS

Section

3120.10	Purpose
3120.20	Scope
3120.30	Exemptions
3120.40	Definitions
3120.50	Duties of Insurers and Insurance Producers
<u>3120.60</u>	<u>Insurance Producer Training</u>
3120.70 <u>60</u>	<u>Compliance Mitigations; Penalties</u> Mitigation of Responsibility
3120.80 <u>70</u>	Recordkeeping
3120.90 <u>80</u>	Noncompliance

AUTHORITY: Implementing and authorized by Article XXXI of the Illinois Insurance Code [215 ILCS 5/Art. XXXI] and further authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Adopted at 31 Ill. Reg. 12747, effective January 1, 2008; amended at 35 Ill. Reg. 16087, effective September 26, 2011.

Section 3120.20 Scope

This Part shall apply to any recommendation to purchase, ~~or~~ exchange or replace an annuity made to a consumer by an insurance producer, or an insurer ~~when~~where no producer is involved, that results in the purchase, ~~or~~ exchange or replacement recommended.

(Source: Amended at 35 Ill. Reg. 16087, effective September 26, 2011)

Section 3120.30 Exemptions

Unless otherwise specifically included, this Part shall not apply to recommendations involving:

DEPARTMENT OF INSURANCE

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- a) Direct response solicitations where there is no recommendation based on information collected from the consumer pursuant to this Part;
- b) Contracts used to fund:
 - 1) An employee pension or welfare benefit plan that is covered by the Employee Retirement and Income Security Act (ERISA);
 - 2) A plan described by sections 401(a), 401(k), 403(b), 408(k) or 408(p) of the Internal Revenue Code (IRC) (26 USCS 401 et seq.), as amended, if established or maintained by an employer;
 - 3) A government or church plan defined in section 414 of the IRC, a government or church welfare benefit plan, or a deferred compensation plan of a state or local government or tax exempt organization under section 457 of the IRC;
 - 4) A nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor;
 - 5) Settlements of or assumptions of liabilities associated with personal injury litigation or any dispute or claim resolution process; or
 - 6) Formal prepaid funeral contracts.

(Source: Amended at 35 Ill. Reg. 16087, effective September 26, 2011)

Section 3120.40 Definitions

Annuity means ~~an insurance product under State law a fixed or variable annuity~~ that is individually solicited, whether the product is classified as an individual or group annuity.

Code means the Illinois Insurance Code [215 ILCS 5].

[Continuing Education Provider or CE Provider means an individual or entity that is approved to offer continuing education courses pursuant to 50 Ill. Adm. Code 3119.](#)

DEPARTMENT OF INSURANCE

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Department means the Department of ~~Insurance~~Financial and Professional Regulation.

Director means the Director of the Illinois Department of ~~Financial and Professional Regulation~~Division of Insurance.

FINRA means the Financial Industry Regulatory Authority or a succeeding agency.

~~Division means the Illinois Department of Financial and Professional Regulation~~Division of Insurance.

Insurance Producer means a person required to be licensed under the laws of this State to sell, solicit, or negotiate insurance, including annuities.

Insurer means ~~an entity~~a company required to be licensed under the laws of this State to provide insurance products, including annuities.

Recommendation means advice provided by an insurance producer, or an insurer ~~when~~where no producer is involved, to an individual consumer that results in a purchase, ~~or~~exchange, or replacement of an annuity in accordance with that advice.

Replacement means a transaction in which a new policy or contract is to be purchased, and it is known or should be known to the proposing producer, or to the proposing insurer if there is no producer, that by reason of the transaction an existing policy or contract has been or is to be:

Lapsed, forfeited, surrendered or partially surrendered, assigned to the replacing insurer or otherwise terminated;

Converted to reduced paid-up insurance, continued as extended term insurance, or otherwise reduced in value by the use of nonforfeiture benefits or other policy values;

Amended so as to effect either a reduction in benefits or in the term for which coverage would otherwise remain in force or for which benefits would be paid;

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Reissued with any reduction in cash value;

Used in a financed purchase.

Suitability Information means information that is reasonably appropriate to determine the suitability of a recommendation, including the following:

Age;

Annual income;

Financial situation and needs, including the financial resources used for the funding of the annuity;

Financial experience;

Financial objectives;

Intended use of the annuity;

Financial time horizon;

Existing assets, including investment and life insurance holdings;

Liquidity needs;

Liquid net worth;

Risk tolerance; and

Tax status.

(Source: Amended at 35 Ill. Reg. 16087, effective September 26, 2011)

DEPARTMENT OF INSURANCE

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Section 3120.50 Duties of Insurers and Insurance Producers

- a) In recommending to a consumer the purchase of an annuity or the exchange of an annuity that results in another insurance transaction or series of insurance transactions, the insurance producer, or the insurer ~~when~~where no producer is involved, shall have reasonable grounds for believing that the recommendation is suitable for the consumer on the basis of the facts disclosed by the consumer as to his or her investments and other insurance products and as to his or her financial situation and needs, including the consumer's suitability information, and that there is a reasonable basis to believe all of the following:-
- 1) The consumer has been reasonably informed of various features of the annuity, such as the potential surrender period and surrender charge, potential tax penalty if the consumer sells, exchanges, surrenders or annuitizes the annuity, mortality and expense fees, investment advisory fees, potential charges for and features of riders, limitations on interest returns, insurance and investment components and market risk;
 - 2) The consumer would benefit from certain features of the annuity, such as tax-deferred growth, annuitization or death or living benefit;
 - 3) The particular annuity as a whole, the underlying subaccounts to which funds are allocated at the time of purchase or exchange of the annuity, and riders and similar product enhancements, if any, are suitable (and in the case of an exchange or replacement, the transaction as a whole is suitable) for the particular consumer based on his or her suitability information; and
 - 4) In the case of an exchange or replacement of an annuity, the exchange or replacement is suitable, including taking into consideration whether:
 - A) The consumer will incur a surrender charge, be subject to the commencement of a new surrender period, lose existing benefits (such as death, living, or other contractual benefits), or be subject to increased fees, investment advisory fees or charges for riders and similar product enhancements;

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B) The consumer would benefit from product enhancements and improvements; and

C) The consumer has had another annuity exchange or replacement and, in particular, an exchange or replacement within the preceding 36 months.

- b) Prior to the execution of a purchase, ~~or exchange~~ or replacement of an annuity resulting from a recommendation, an insurance producer, or an insurer ~~when where~~ no producer is involved, shall make reasonable efforts to obtain the consumer's suitability information. ~~concerning:~~
- c) Except as permitted under subsection (d), an insurer shall not issue an annuity recommended to a consumer unless there is a reasonable basis to believe the annuity is suitable based on the consumer's suitability information.
- 1) ~~The consumer's financial status;~~
 - 2) ~~The consumer's tax status;~~
 - 3) ~~The consumer's investment objectives; and~~
 - 4) ~~Such other information used or considered to be reasonable by the insurance producer, or the insurer where no producer is involved, in making recommendations to the consumer.~~
- d)e) Recommendation to ~~Consumers~~ Consumer
- 1) Except as provided under subsection (d)e)(2), neither an insurance producer, nor an insurer ~~where no producer is involved~~, shall have any obligation to a consumer under subsection (a) or (c) related to any annuity transaction recommendation if a consumer:
 - A) No recommendation is made ~~Refuses to provide relevant information requested by the insurer or insurance producer;~~
 - B) A recommendation was made and was later found to have been prepared based on materially inaccurate information provided by the consumer ~~Decides to enter into an insurance transaction that is~~

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~~not based on a recommendation of the insurer or insurance producer; or~~

C) ~~A consumer refuses to provide relevant suitability information and the annuity transaction is not recommended; or Fails to provide complete or accurate information.~~

D) ~~A consumer decides to enter into an annuity transaction that is not based on a recommendation of the insurer or the insurance producer.~~

2) An ~~insurer's issuance of an annuity~~~~insurer or insurance producer's recommendation~~ subject to subsection (d)(1) shall be reasonable under all the circumstances actually known to the insurer ~~or insurance producer~~ at the time ~~of the~~ ~~annuity is issued~~~~recommendation~~.

e) ~~An insurance producer or, when no insurance producer is involved, the responsible insurer representative, shall, at the time of sale:~~

1) ~~Make a record of any recommendation subject to Section 3120.50(a) of this Part;~~

~~2) Obtain a customer signed statement documenting a customer's refusal to provide suitability information, if any; and~~

3) ~~Obtain a customer signed statement acknowledging that an annuity transaction is not recommended if a customer decides to enter into an annuity transaction that is not based on the insurance producer's or insurer's recommendation.~~

f) ~~Supervision of Recommendations~~

1) An insurer ~~either~~ shall ~~establish~~~~assure that~~ a supervision system ~~to supervise recommendations~~ that is reasonably designed to achieve the insurer's and its insurance producers' compliance with this Part, ~~is established and maintained by complying with subsections (d)(3) through (5) or shall establish and maintain such a system,~~ including, but not limited to, the following:

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- A) The insurer shall maintain and incorporate reasonable procedures to inform its insurance producers of the requirements of this regulation into relevant insurance producer training manuals;~~Maintaining written procedures; and~~
- B) The insurer shall establish standards for insurance producer product training and shall maintain reasonable procedures to require its insurance producers to comply with the requirements of Section 3120.60 of this Part; ~~Conducting periodic reviews of records that are reasonably designed to assist in detecting and preventing violations of this Part.~~
- C) The insurer shall provide product-specific training and training materials that explain all material features of its annuity products to insurance producers;
- D) The insurer shall maintain procedures for review of each recommendation prior to issuance of an annuity that are designed to ensure that there is a reasonable basis to determine that a recommendation is suitable. The review procedures may apply a screening system for the purpose of identifying selected transactions for additional review and may be accomplished electronically or through other means, including, but not limited to, physical review. Such an electronic or other system may be designed to require additional review only of those transactions identified for additional review by the selection criteria;
- E) The insurer shall maintain reasonable procedures to detect recommendations that are not suitable. This may include, but is not limited to, confirmation of consumer suitability information, systematic customer surveys, interviews, confirmation letters and programs of internal monitoring. Nothing in this subsection (f)(1)(E) prevents an insurer from complying with this subsection (f)(1)(E) by applying sampling procedures, or by confirming suitability information after issuance or delivery of the annuity; and
- F) The insurer shall annually provide a report to senior management, including the senior manager responsible for audit functions, that

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~~details a review, with appropriate testing, reasonably designed to determine the effectiveness of the supervision system, the exceptions found, and corrective action taken or recommended, if any. Conducting periodic reviews of its records that are reasonably designed to assist in detecting and preventing violations of this Part.~~

- 2) ~~Nothing in this subsection (f) restricts an insurer from contracting for performance of a function (including maintenance of procedures) required under subsection (f)(1). An insurer is responsible for taking appropriate corrective action and may be subject to sanctions and penalties pursuant to Section 3120.90 of this Part regardless of whether the insurer contracts for performance of a function and regardless of the insurer's compliance with subsection (f)(3).~~
- 3) ~~An insurer's supervision system under subsection (f)(1) shall include supervision of contractual performance under this subsection (f)(3). This includes, but is not limited to, the following:
A managing general agent, as defined in Section 141a of the Code, either shall adopt a system established by an insurer to supervise recommendations of its insurance producers that is reasonably designed to achieve compliance with this Part or shall establish and maintain such a system, including, but not limited to:~~
 - A) ~~Monitoring and, as appropriate, conducting audits to assure that the contracted function is properly performed; Maintaining written procedures; and~~
 - B) ~~Annually obtaining a certification from a senior manager who has responsibility for the contracted function that the manager has a reasonable basis to represent, and does represent, that the function is properly performed.~~
- 4)3) ~~An insurer is not required to include in its system of supervision an insurance producer's recommendations to consumers of products other than the annuities offered by the insurer may contract with a third party, including a managing general agent, to establish and maintain a system of supervision as required by subsection (d)(1) with respect to insurance producers under contract with or employed by the third party.~~

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- g) An insurance producer shall not dissuade, or attempt to dissuade, a consumer from:
- 1) Truthfully responding to an insurer's request for confirmation of suitability information;
 - 2) Filing a complaint;
 - 3) Cooperating with the investigation of a complaint.
- h) Sales made in compliance with FINRA requirements pertaining to suitability and supervision of annuity transactions shall satisfy the requirements of this Part. This subsection applies to FINRA broker-dealer sales of variable annuities and fixed annuities if the suitability and supervision is similar to those applied to variable annuity sales. However, nothing in this subsection shall limit the Director's ability to enforce (including investigate) the provisions of this Part.
- i) For subsection (h) to apply, an insurer shall:
- 1) Monitor the FINRA member broker-dealer using information collected in the normal course of an insurer's business; and
 - 2) Provide to the FINRA member broker-dealer information and reports that are reasonably appropriate to assist the FINRA member broker-dealer to maintain its supervision system.
 - 4) An insurer shall make reasonable inquiry to assure that the third party, including a managing general agent, contracting under subsection (d)(3) is performing the functions required under subsection (d)(1) and shall take such action as is reasonable under the circumstances to enforce the contractual obligation to perform the functions. An insurer may comply with its obligation to make reasonable inquiry by doing all of the following:
 - A) The insurer annually obtains a certification from a third party, including a managing general agent or other person who has responsibility for the delegated functions that the manager has a

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~~reasonable basis to represent, and does represent, that the third party is performing the required functions; and~~

- ~~B) The insurer, based on reasonable selection criteria, periodically selects third parties contracting under subsection (d)(3) for a review to determine whether the third parties are performing the required functions. In conducting the review, the insurer shall perform those procedures that are reasonable under the circumstances.~~
- ~~5) An insurer that contracts with a third party, including a managing general agent, pursuant to subsection (d)(3) and that complies with the requirements to supervise in subsection (d)(4) shall have fulfilled its responsibilities under subsection (d)(1).~~
- ~~6) An insurer or managing general agent, is not required by subsection (d)(1) or (2) to:
 - ~~A) Review, or provide for review of, all insurance producer solicited transactions; or~~
 - ~~B) Include in its system of supervision an insurance producer's recommendations to consumers of products other than the annuities offered by the insurer or managing general agent.~~
 - ~~7) A managing general agent contracting with an insurer pursuant to subsection (d)(3) shall promptly, when requested by the insurer pursuant to subsection (d)(4), give a certification as described in subsection (d)(4) or give a clear statement that it is unable to meet the certification criteria.~~
 - ~~8) No person may provide a certification under subsection (d)(4)(A) unless:
 - ~~A) The person is a senior manager with responsibility for the delegated functions; and~~
 - ~~B) The person has a reasonable basis for making the certification.~~~~~~

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~~e) Compliance with the National Association of Securities Dealers Conduct Rules (1735 K Street, N.W., Washington, D.C. 20006) (adopted by SR-NASD-95-39, eff. Aug. 20, 1996, no later editions or amendments are included) pertaining to suitability shall satisfy the requirements of this Section for the recommendation of variable annuities. However, nothing in this subsection shall limit the Director's ability to enforce the provisions of this Part.~~

(Source: Amended at 35 Ill. Reg. 16087, effective September 26, 2011)

Section 3120.60 Insurance Producer Training

- a) An insurance producer shall not solicit the sale of an annuity product unless the insurance producer has adequate knowledge of the product to recommend the annuity and the insurance producer is in compliance with the insurer's standards for product training.
- b) The training requirements of subsection (c)(4) may be approved as continuing education courses under Section 500-35(b)(1) of the Code.
- c) Training Requirements
- 1) An insurance producer who engages in the sale of annuity products shall complete a one-time four hour credit training course approved by the Department.
 - 2) Insurance producers who hold a life insurance line of authority after June 30, 2012 and who desire to sell annuities shall complete the requirements of this Section by July 1, 2012. Individuals who obtain a life insurance line of authority may not engage in the sale of annuities until the annuity training course required under this Section has been completed.
 - 3) The minimum length of the training required under this Section shall be sufficient to qualify for at least four CE credits, but may be longer. When an annuity product offers any long term care benefits as defined in 50 Ill. Adm. Code 2012.30, the insurance producer shall complete the training requirements in 50 Ill. Adm. Code 2012.121 prior to selling the annuity product.

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- 4) The training required under this Section shall include information on the following topics:
- A) The types of annuities and various classifications of annuities;
 - B) Identification of the parties to an annuity;
 - C) How fixed, variable and indexed annuity contract provisions affect consumers;
 - D) The application of income taxation of qualified and non-qualified annuities;
 - E) The primary uses of annuities; and
 - F) Appropriate sales practices, replacement and disclosure requirements.
- 5) Providers of courses intended to comply with this Section shall cover all topics listed in the prescribed outline and shall not present any marketing information or provide training on sales techniques or provide specific information about a particular insurer's products. Additional topics may be offered in conjunction with and in addition to the required outline.
- 6) The satisfaction of these training requirements in any state that are substantially similar to the provisions of this Section shall be deemed to satisfy the training requirements of this Section in this State.
- 7) An insurer shall verify that an insurance producer has completed the annuity training course required under this Section before allowing the producer to sell an annuity product for that insurer. An insurer may satisfy its responsibility under this subsection (b)(10) by obtaining certificates of completion of the training course or obtaining reports provided by commissioner-sponsored database systems or vendors or from a reasonably reliable commercial database vendor that has a reporting arrangement with approved insurance education providers.

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(Source: Old Section 3120.60 renumbered to Section 3120.70; new Section 3120.60 added at 35 Ill. Reg. 16087, effective September 26, 2011)

Section 3120.~~7060~~ 7060 ~~Compliance Mitigations; Penalties~~ **Mitigation of Responsibility**

- a) An insurer is responsible for compliance with this Part. If a violation occurs, either because of the action or inaction of the insurer or its insurance producer, in addition to any other action authorized by the Code, the Director may order:
- 1) An insurer to take reasonably appropriate corrective action for any consumer harmed by the insurer's, or by its insurance producer's, violation of this Part;
 - 2)b) A general agency, an independent agency or the An insurance producer to take reasonably appropriate corrective action for any consumer harmed by the insurance producer's violation of this Part; and
 - 3)e) Appropriate penalties and sanctions, including, but not limited to, those set forth in Section 3120.90 of this Part. A managing general agent that employs or contracts with an insurance producer to sell or solicit the sale of annuities to consumers shall take reasonably appropriate corrective action for any consumer harmed by the insurance producer's violation of this Part.
- b) Any applicable penalty for a violation of this Part may be reduced or eliminated at the sole discretion of the Director if corrective action for the consumer was taken promptly after a violation was discovered or the violation was not part of a pattern or practice.

(Source: Renumbered from Section 3120.60 and amended at 35 Ill. Reg. 16087, effective September 26, 2011)

Section 3120.~~8070~~ 8070 Recordkeeping

- a) Insurers, ~~managing~~ general agents, independent agencies and insurance producers shall maintain and be able to make available to the Director records of the information collected from the consumer and other information used in making the recommendations that were the basis for insurance transactions for 7 years after the insurance transaction is completed by the insurer. An insurer is

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permitted, but shall not be required, to maintain documentation on behalf of an insurance producer.

- b) Records required to be maintained by this Part may be maintained in paper, photographic, microprocess, magnetic, mechanical or electronic media, or by any process that accurately reproduces the original document.

(Source: Renumbered from Section 3120.70 and amended at 35 Ill. Reg. 16087, effective September 26, 2011)

Section 3120.9080 Noncompliance

Violation of the requirements of this Part ~~may shall~~ be considered evidence of misrepresentation under Section 149 of the Illinois Insurance Code and/or a deceptive act or practice prohibited under Sections 423 and 424 of the Illinois Insurance Code.~~an unfair trade practice and evidence of incompetence or untrustworthiness in the conduct of business under Section 500-70(a)(7) and (8) of the Code.~~

(Source: Renumbered from Section 3120.80 and amended at 35 Ill. Reg. 16087, effective September 26, 2011)

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- a) Heading of the Part: AIDS Drug Assistance Program
- b) Code Citation: 77 Ill. Adm. Code 692
- c)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
692.5	New
692.10	Amend
692.15	New
692.20	New
692.APPENDIX A	Repeal
692.APPENDIX B	Amend
- d) Statutory Authority: Implementing the [Ryan White HIV/AIDS Treatment Extension Act of 2009 \[Public Law 111-87\]](#) and authorized by Section 315 of the Civil Administrative Code of Illinois [20 ILCS 2310/315]
- e) Effective Date of Amendments: September 26, 2011
- f) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will not expire before the end of the 150-day period.
- g) Date filed with the Index Department: September 26, 2011
- h) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- i) Reason for Emergency: The Illinois Department of Public Health administers the AIDS Drug Assistance Program (ADAP), which currently serves on average 4,235 clients each month, accessing an average of 141,100 prescriptions annually. The program is funded through two primary funding streams; federal funding through the Ryan White Care Act (The legislation was first enacted in 1990) administered through the United States Health Resources and Services Administration (HRSA); and State general revenue. As of June 1, 2011, ADAP provides 81 different drugs on its formulary, including all anti-retroviral therapies approved by the U.S. Food and Drug Administration. Clients have a benefit cap of \$2,000 per month, except for 3 drugs in Category V, which is sufficient to support triple and quadruple combination therapies. These drug combinations have been successful in treating persons with HIV infection; including the treatment of opportunistic infections frequently associated with HIV; drug treatment

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adherence; and have been credited with dramatic prolonging of life for individuals infected with HIV.

Currently the ADAP program is operating out of compliance of the Health Resources and Service Administration (HRSA) grant requirements. Grant requirements state that ADAP enrollment needs to be conducted at six-month intervals, and the current rules require 12-month intervals. To be compliant with the multi-million dollar federal grant and not face potential financial penalty, HRSA is requiring the Department to abide by their grant requirements. If the State does not comply, funding could be withheld, forcing the program not to fill life-saving drug prescriptions for thousands of Illinois residents who are HIV infected. In addition, the discontinuation of services would have an impact on two large contracts, including the Department's dispensing pharmacy and wholesaler. The current HRSA award to the Department is approximately \$36 million with an additional \$18 million of General Revenue Funds (GRF) to supplement the cost of the ADAP program.

Section 5-45 of the Illinois Administrative Procedure Act (IAPA) defines an "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." In addition, the situation "requires adoption of a rule upon fewer days than is required" under the regular rulemaking provisions of the IAPA. This situation constitutes an emergency because of the threat to the public interest, safety and welfare indicated by the potential loss of federal funding to provide life-prolonging medication to low-income individuals who have been diagnosed with AIDS/HIV. Since the majority of the funding for this program comes from federal dollars, it is crucial for the Department to make sure that its rules comply with the federal requirements that ensure continuation of the funding.

The Department has been informed in federal fiscal year 2011 through notice of grant award that ADAP applicants are to be recertified every six months. The United States Health Resources and Services Administration has informed the Department that failure to comply with the six-month recertification policy would result in federal penalties, including loss of federal funding or repayment of previously awarded funds. The penalties would involve placing the program on "administrative draw down restrictions". requiring reimbursement to the federal payer with GRF for those agencies which received federal funding and were not recertified in appropriate time parameters dictated by agreements.

In the absence of these emergency amendments, the Department will not receive funding for the program, and could even face repaying funds that it has already received, resulting

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in the discontinuation of services to the Department's ADAP clients. The prescription medications obtained through ADAP provide a vital public health service and essential medical care to individuals who would not otherwise be able to obtain these medications.

- j) A Complete Description of the Subjects and Issues Involved: This proposal is to amend the Illinois AIDS Drug Assistance Program (ADAP) to reflect changes required in the Department's federal grant. Definitions were also added to better explain these changes. The rulemaking also reference new assistance programs in Illinois, including Medicare Part D, Extra Help and Illinois Cares Rx. The Department is repealing Appendix A as the guidelines for federal poverty level change annually.
- k) Are there any proposed rulemakings pending on this Part? No
- l) Statement of Statewide Policy Objectives: This rule will not affect any unit of local government that would require expenditure of local funds. The program is federally funded and supplemented by State GRF. All operations of the program are managed by the Department.
- m) Information and questions regarding these amendments shall be directed to:

Susan Meister
Administrative Rules Coordinator
Department of Public Health
535 W. Jefferson St., 5th Floor

217/782-2043
dph.rules@illinois.gov

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

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TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 692
 AIDS DRUG ASSISTANCE PROGRAM

Section

692.5 Definitions

EMERGENCY

692.10 Drugs to Prolong the Lives of Non-Medicaid Persons with Acquired
 Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV)
 Infection

EMERGENCY

692.15 Application Requirements

EMERGENCY

692.20 Referenced Materials

EMERGENCY

692.APPENDIX A 2000 Poverty Income Guidelines (Repealed)

EMERGENCY

692.APPENDIX B Ryan White HIV/AIDS Treatment Extension Act of 2009~~CARE Act~~
 Sliding Fee Scale

EMERGENCY

AUTHORITY: Implementing the Ryan White HIV/AIDS Treatment Extension Act of 2009 (P.L. 111-87), and authorized by Section 315 of the Civil Administrative Code of Illinois [20 ILCS 2310/315].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 14699, effective September 30, 1991, for a maximum of 150 days; adopted at 16 Ill. Reg. 4052, effective February 27, 1992; emergency amendment at 17 Ill. Reg. 12913, effective July 23, 1993, for a maximum of 150 days; emergency expired December 20, 1993; amended at 18 Ill. Reg. 1427, effective January 20, 1994; amended at 18 Ill. Reg. 17678, effective November 30, 1994; amended at 20 Ill. Reg. 7531, effective May 15, 1996; emergency amendment at 20 Ill. Reg. 8353, effective June 4, 1996, for a maximum of 150 days; emergency expired November 1, 1996; amended at 21 Ill. Reg. 1203, effective January 10, 1997; amended at 22 Ill. Reg. 14468, effective July 24, 1998; amended at 24 Ill. Reg. 11876, effective August 1, 2000; emergency amendment at 35 Ill. Reg. 16105, effective September 26, 2011, for a maximum of 150 days.

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Section 692.5 Definitions**EMERGENCY**

"CD4 count" means the measurement of the number of CD4 cells in a sample of blood, which tells how strong the immune system is and indicates the stage of HIV disease.

"Department" means the Illinois Department of Public Health.

"Extra Help Program" means a federal program that assists very low income (less than \$1,000/month) Medicare Part D eligible individuals with their prescription drug coverage. The program pays Medicare Part D premiums and all copayments except \$2 and \$3 on generic and brand, respectively. The program was established by the Patient Protection and Affordable Care Act (P.L. 111-148).

"Illinois Cares Rx" means a State program that provides prescription drug assistance to low-income senior citizens and disabled persons, obtainable through the Department of Healthcare and Family Services (HFS).

"Medicaid" means the State-managed program under the federal Social Security Act (42 USC 1396) that pays medical care expenses for low-income individuals, including those with HIV/AIDS.

"Medicare" means the federal program under the Social Security Act (42 USC 1395) that pays for certain health care expenses for people aged 65 or older. Enrolled individuals must pay deductibles and co-payments.

"Viral load" means a measurement of human immunodeficiency virus (HIV) in a sample of blood or other body fluids.

(Source: Added by emergency rulemaking at 35 Ill. Reg. 16105, effective September 26, 2011, for a maximum of 150 days)

Section 692.10 Drugs to Prolong the Lives of Non-Medicaid Persons with Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) Infection**EMERGENCY**

Drugs provided under this ~~Part~~Section are paid for on behalf of low-income individuals with ~~acquired immunodeficiency syndrome~~Acquired Immunodeficiency Syndrome (AIDS) or human

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immunodeficiency virus ~~persons with the Human Immunodeficiency Virus~~ (HIV).

- a) Medical requirements. To qualify for services under this ~~Part~~Section, a person ~~shall have been~~must be enrolled in the AIDS Drug Assistance Program (ADAP) as of June 4, 1996, or:
- 1) ~~Apply make application with annual renewal to the Illinois Department of Public Health (Department) for acceptance for ADAP and comply with all recertification requirements, which occur every six months from the point of enrollment; and~~
 - 2) ~~Be~~ diagnosed as having AIDS or HIV through submission of a CD4 and viral load laboratory result that was obtained within six months prior to the date of application. For recertification, the applicant shall provide the most recent CD4 and viral load test results, which must be obtained within six months prior to any recertification date.;
- b) Financial and insurance requirements
- 1)3) ~~Applicants with no active prescription insurance coverage at the time of enrollment shall qualify financially with anticipated gross monthly income, as determined by the Department, at or below 300%400% of the most recent Federal Poverty Level Guidelines published annually by the U.S. Department of Health and Human Services for the size of the household. (see Appendix A);~~
 - 2)4) ~~Applicants with active prescription insurance coverage at the time of enrollment shall qualify financially with anticipated gross monthly income, as determined by the Department, at or below 500% of the most recent Federal Poverty Level Guidelines for the size of the household. not be eligible for 80% or greater insurance coverage for drugs through another third party payer;~~
 - A) The applicant's health insurance provider must be willing to participate with the Department's contracted dispensing pharmacy for dispensing and billing purposes and only for drugs on the current ADAP formulary.

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- B) Only 30-day prescription fills will be accepted. If an applicant is planning to travel outside of Illinois for two to three months and needs a longer prescription fill, the applicant shall obtain prior approval from the ADAP for a medication exception. The applicant shall provide a clear copy of the front and back of all prescription insurance cards.
- 3)5) Applicants shall not be eligible for the Medical Assistance Program (Medicaid) on the date that drugs are obtained (individuals with financial/medical assistance applications pending or individuals in spenddown unmet status may participate);;
- 4)6) Applicants shall not be eligible for payment for prescription drugs from any other governmental entity;; ~~and~~
- 5) If eligible for Medicare Part D, the applicant shall provide a clear copy of both the front and back of the Medicare Part D insurance card.
- 6) If enrolled in a Medicare Supplement plan (Medigap), the applicant shall provide a clear copy of both the front and back of the Medicare Supplement insurance card.
- 7) If eligible for federal Extra Help or Illinois Cares Rx Plan (ICRx), the applicant shall apply to both programs. Approval or denial documentation shall be provided to the ADAP as well as a clear copy of both the front and back of the ICRx card.
- c)7) Residency requirement. The applicant shall be a legal resident of Illinois, as defined by Section 2-10 of the Illinois Public Aid Code [305 ILCS 5/2-10], except that:
- 1)A) ~~The~~ the provision of Section 2-10 of the Illinois Public Aid Code stating that applicants for or recipients of public aid must meet ~~the such~~ such ~~durational~~ requirements for duration of as to residence contained in applicable Sections of the Public Aid Code shall not apply to this Part; and
- 2)B) ~~The~~ the provision of Section 2-10 of the Illinois Public Aid Code regarding recipients of aid under Article III, IV, or VI [305 ILCS 5/Art. III, IV or VI] shall apply to any recipient of services under the ADAP AIDS Drug

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Assistance Program.

- d)b) Persons enrolled in the ADAP shall~~AIDS Drug Assistance Program must~~ reapply every six months~~annually in order~~ to continue receiving drugs through the ADAP~~Program~~.
- 1) Renewal applications shall~~must~~ be complete, with all fields on the application filled out, shall include all required support documentation and shall be received by the Department at least three business days prior to~~by~~ the expiration date of the client's current enrollment.
 - 2) If the Department does not receive a renewal application at least three business~~is not received by the Department within 15~~ days prior to~~after~~ the expiration date of the client's current enrollment, the client will be removed from the ADAP~~Program~~ and will be required to meet the eligibility requirements of subsections (a)~~(1)~~ through (c)~~(7)~~ of this Section in order to continue receiving drugs through the ADAP~~Program~~.
- e)e) The Department shall~~may~~ suspend a client's enrollment in the ADAP~~AIDS Drug Assistance Program~~ under the following circumstances:
- 1) Submittal~~submittal~~ of fraudulent application information by an applicant or client;
 - 2) Failure~~failure~~ to submit a completed~~an~~ application at least three business days prior to the expiration date of the client's current enrollment~~by the due date; or~~
 - 3) Failure~~failure~~ to use a minimum of one drug from any category of the ADAP formulary within 90 days after enrollment to the ADAP~~utilize the Program for a six-month period.~~
- f)e) Subject to the availability of funds, the Department may implement cost control measures at any time to ensure the long-term sustainability of the programs~~such as client benefit maximums or limitations on new enrollments.~~
- g)e) All drugs provided under the ADAP~~AIDS Drug Assistance Program~~ have been approved by the federal Food and Drug Administration. The following categories of drugs may be covered under the AIDS Drug Assistance Program.~~The~~

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Department ~~will request, with~~ the advice of the medical issues subcommittee of the ~~Title II~~ Ryan White ADAP Medical Issues Advisory Board when necessary to assist with determining ~~AIDS Advisory Council, will determine~~ which drugs will be covered, based on criteria that include the medical appropriateness of the drug for treatment of HIV/AIDS and associated complications. The following categories of drugs may be covered under the ADAP:

- 1) Category I – Drugs for Anti-Retroviral Therapy;
- 2) Category II – Drugs for Pneumocystis jiroveci (carinii) pneumonia (PCP) ~~for PCP~~ Prophylaxis and Treatment;
- 3) Category III – Drugs for Prophylaxis and Treatment of Opportunistic Infections and Anti-Microbials;
- 4) Category IV – Drugs for Treatment of Neoplasms; and
- 5) Category V – Other Drugs Requiring Prior Approval.

h)A) All prescriptions ~~shall~~must be filled by the Department's pharmacy contractors.

i)g) The Department may require participants to pay a copayment for prescriptions received. If a copayment is charged, it ~~shall~~must not exceed the sliding fee structure specified in ~~Part B~~Title II of the Ryan White HIV/AIDS Treatment Extension Act of 2009~~CARE Act~~ (see Appendix B).

j)h) The Department will make a disposition and issue a written decision on an application filed pursuant to this Section within ~~30 business~~45 days ~~after~~from the date the Department receives the application. The Department will make a disposition and issue a written decision on a renewal application filed pursuant to this Section within ~~30 business~~45 days ~~after~~from the date the Department receives the completed application. An individual may appeal the Department's denial of his/her application. ~~Such appeal shall be~~ in accordance with ~~the Department's Rules of~~ Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 16105, effective September 26, 2011, for a maximum of 150 days)

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Section 692.15 Application Requirements
EMERGENCY

Applications for participation in the ADAP shall be submitted on forms provided by the Department. Information requested on the application will include, but not be limited to:

- a) Patient information, including marital status, race/ethnicity, pregnancy information, and risk factors;
- b) Residency information, including mailing address and prescription address, if different from mailing address;
- c) Demographic and income information on household members who qualify as legal dependants to the ADAP applicant, and who may also contribute to the household income, which would affect the federal poverty level for the applicant as defined by the ADAP's federal partner, the United States Health Resources and Services Administration (HRSA);
- d) Applicant's income information, including, but not limited to:
 - 1) Gross monthly income, from sources such as wages, unemployment compensation, Social Security, Social Security Disability, veterans' pension, veterans' disability, private disability, worker's compensation, temporary assistance for needy families, general assistance, retirement income, child support, alimony or other spousal support, or any/or all other sources of income provided by the applicant;
 - 2) Documentation of income from paycheck stubs, benefit statement, award letter, court order, federal tax return, or other document provided by the applicant;
- e) Physician information, including, but not limited to, HIV physician, prescribing physician if HIV physician does not prescribe HIV medication, and ADAP liaison (individual to contact on applicant's behalf);
- f) Insurance/benefit information, including, but not limited to, prescription insurance, Medicare, Medicare Part D, Medicare Supplement, Medicaid, Illinois Cares Rx, and veterans' benefits;

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- g) Clinical information, including, but not limited to, current diagnosis, initial diagnosis, most recent CD4 count, and most recent viral blood count; and
- h) Client verification and authorization to release confidential information.

(Source: Added by emergency rulemaking at 35 Ill. Reg. 16105, effective September 26, 2011, for a maximum of 150 days)

Section 692.20 Referenced Materials**EMERGENCY**

The following materials are referenced in this Part:

- a) Illinois Statutes
 - 1) Civil Administrative Code of Illinois [20 ILCS 2310]
 - 2) Illinois Public Aid Code [305 ILCS 5]
- b) Federal Statutes
 - 1) Ryan White HIV/AIDS Treatment Extension Act of 2009 (P.L. 111-87)
 - 2) Patient Protection and Affordable Care Act (P.L. 111-148)
 - 3) Social Security Act (42 USC 1395 and 1396)
- c) Illinois Administrative Rules
Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

(Source: Added by emergency rulemaking at 35 Ill. Reg. 16105, effective September 26, 2011, for a maximum of 150 days)

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**Section 692.APPENDIX A 2000 Poverty Income Guidelines (Repealed)
EMERGENCY**

Size of Family Unit	Poverty Guideline	Maximum Gross Annual Income ADAP Eligibility
1	\$ 8,350	\$ 33,400
2	11,250	45,000
3	14,150	56,600
4	17,050	68,200
5	19,950	79,800
6	22,850	91,400
7	25,750	103,000
8	28,650	114,600

~~For family units with more than 8 members, add \$2,900 for each additional member.~~

(Source: Repealed by emergency rulemaking at 35 Ill. Reg. 16105, effective September 26, 2011, for a maximum of 150 days)

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Section 692.APPENDIX B Ryan White HIV/AIDS Treatment Extension Act of 2009~~CARE Act~~ Sliding Fee Scale

~~CARE Act~~ Sliding Fee Scale

Individual/Family Annual Gross Income	Total Allowable Annual Charges
Equal to or below the official poverty line	No charges permitted
101 to 200 percent of the official poverty line	5 percent or less of gross income level
201 to 300 percent of the official poverty line	7 percent or less of gross income level
more than 300 percent of the official poverty line	10 percent or less of gross income level

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 16105, effective September 26, 2011, for a maximum of 150 days)

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

<u>Section Numbers</u> :	<u>Peremptory Action</u> :
121.60	Amendment
121.61	Amendment
121.63	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Require this Peremptory Rulemaking: These changes are being made to conform with Food and Nutrition Service regulations.
- 5) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 6) Effective Date: October 1, 2011
- 7) A Complete Description of the Subjects and Issues involved: The changes in this rulemaking are the result of the FY 2012 Costs of Living Adjustments to the SNAP standards required by Food and Nutrition Service regulations. This rulemaking increases the Maximum Gross and Net Income Standards, and the Standard Deduction by household size for all SNAP units. As a result, more SNAP applicants may qualify for benefits. Active SNAP customers who are not currently receiving the maximum benefit amount may see a small increase in benefits due to the increase in the Standard Deduction. The maximum SNAP benefit amounts remain unchanged. SNAP customers who are already receiving the maximum benefit amount will not see a change in their benefit amount.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: September 26, 2011
- 10) A copy of the peremptory rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) This rulemaking is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.

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- 12) Are there any proposed amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
121.20	Amendment	35 Ill. Reg. 1856; February 4, 2011
121.63	Amendment	35 Ill. Reg. 8273; June 3, 2011
121.117	Amendment	35 Ill. Reg. 8754; June 10, 2011
121.8	Repeal	35 Ill. Reg. 9228; June 24, 2011
121.125	Amendment	35 Ill. Reg. 9228; June 24, 2011

- 13) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.

- 14) Information and questions regarding these preemptory amendments shall be directed to:

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

(217) 785-9772

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

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NOTICE OF PEREMPTORY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 121
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)
SUBPART A: APPLICATION PROCEDURES

Section

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

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

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

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.30 Unearned Income

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

SUBPART D: ELIGIBILITY STANDARDS

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

SUBPART E: HOUSEHOLD CONCEPT

- Section
- 121.70 Composition of the Assistance Unit
- 121.71 Living Arrangement
- 121.72 Nonhousehold Members
- 121.73 Ineligible Household Members
- 121.74 Strikers
- 121.75 Students
- 121.76 Categorically Eligible Households

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section

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

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

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

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

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Section

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

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)
121.222	Volunteer Community Work Component (Repealed)
121.223	Work Experience Component (Repealed)

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- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
121.226 Meeting the Work Requirement with the JTPA Employability Services
Component (Repealed)

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

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; preemptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; preemptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; preemptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1,

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1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900,

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effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for

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a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum of 150 days; emergency expired July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537, effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802,

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effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; preemptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. 10119, effective June 7, 2011; preemptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011.

SUBPART D: ELIGIBILITY STANDARDS

Section 121.60 Net Monthly Income Eligibility Standards

- a) Households that are not categorically eligible whose net monthly income does not exceed the maximum monthly income standards shall be assigned SNAP benefits based on the net monthly SNAP income.
b) The maximum net monthly income standards are:

Table with 2 columns: Household Size and Amount. Rows show income standards for household sizes 1 through 7, with amounts ranging from \$908,903 to \$2,818,773.

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8..... [3,1363,085](#)

Each additional member..... [319342](#)

Derived from Office of Management and Budget non-farm, income poverty guidelines.

(Source: Peremptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011)

Section 121.61 Gross Monthly Income Eligibility Standards

a) Gross Monthly Income Eligibility Standards

1) The gross income standards of eligibility shall be 130 percent of the nonfarm income poverty guidelines prescribed by the Office of Management and Budget (see 7 CFR 273.9(a)(1)) for all households including categorical households as defined in Section 121.76, except elderly, blind or disabled households that shall be considered categorically eligible if the household's gross income is at or below 200%. Households containing a member who is elderly, blind or disabled that are not categorically eligible will be exempt from this gross income check (see also 7 CFR 273.9(c)), but must meet the net income standards in Section 121.60. To qualify for increased benefits, a household must contain a member who meets one of the following requirements:

- A) A member is 60 years of age or older. An individual is considered age 60 in the fiscal month in which he or she becomes 60.
- B) A member receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, (this includes the household where the member is receiving SSI income pending a final decision from the Social Security Administration. This SSI income is being provided on a temporary or emergency basis).
- C) A member receives Social Security disability or blindness benefits under Title II (RSDI) of the Social Security Act.
- D) A member receives State Supplemental Payment (SSP) due to blindness or disability.

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- E) A veteran with a service-connected disability rated or paid as totally disabled by the Department of Veterans Affairs (VA).
 - F) A veteran considered by the VA to be in need of regular aid and attendance or permanently housebound.
 - G) A veteran's surviving spouse who is considered in need of aid and attendance or considered permanently housebound by the VA or a veteran's surviving child who is considered permanently incapable of self-support by the VA.
 - H) A veteran's surviving spouse or child entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death from the VA, if the spouse or child also has a disability considered permanent under Social Security requirements.
 - I) A member receives federal, state, or local government disability pension and is considered permanently disabled under Social Security requirements.
 - J) A member receives Railroad Retirement disability benefits.
 - K) A member receives an annuity payment from Railroad Retirement and is eligible for Medicare.
 - L) A member receives disability-related medical assistance benefits (Categories 92, 93 and P3) under Title XIX (Medicaid) of the Social Security Act.
- 2) For those veterans, surviving spouses, or children mentioned in subsections (a)(1)(F) and (G) of this Section, proof of receipt of VA disability benefits is sufficient verification of disability. For those veterans mentioned in subsection (a)(1)(E) of this Section, a verified statement, in writing, from the VA that the individual is totally disabled must be provided. To verify disability for those individuals mentioned in subsection (a)(1)(H) of this Section, the individual must provide a statement from the Social Security Administration or from a physician

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licensed under the Medical Practice Act of 1987 [225 ILCS 60], or a licensed or certified psychologist under the Clinical Psychologist Licensing Act [225 ILCS 15] that the individual suffers from one of the disabilities listed in the preamble to Section 221(i) of the Social Security Act (42 USC 421(i)) or if the disability is obvious, by the observation of the caseworker (for example, permanent loss of use of both hands).

- 3) Legally obligated child support payments paid by a household member shall be excluded from gross income when comparing income to the gross income standard to determine eligibility. [The gross income standards are:](#)

b)

Household Size	Gross Income <u>130%</u>	<u>Gross Income</u> <u>200%</u>
One Person	<u>\$1,180</u> 1,174	<u>\$1,815</u>
Two Persons	<u>1,594</u> 1,579	<u>2,452</u>
Three Persons	<u>2,008</u> 1,984	<u>3,088</u>
Four Persons	<u>2,422</u> 2,389	<u>3,725</u>
Five Persons	<u>2,836</u> 2,794	<u>4,362</u>
Six Persons	<u>3,249</u> 3,200	<u>4,998</u>
Seven Persons	<u>3,663</u> 3,605	<u>5,635</u>
Eight Persons	<u>4,077</u> 4,010	<u>6,272</u>
Each Additional Member	+ <u>414</u> 406	+ <u>637</u>

(Source: Peremptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011)

Section 121.63 Deductions from Monthly Income

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly SNAP income.
- b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
- c) Standard Deduction. The standard deduction for a household size of one through three persons is \$147~~144~~. The standard deduction for a household size of four persons is \$155~~153~~. The standard deduction for a household size of five persons

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is ~~\$181479~~. For households of six or more persons, the standard deduction is ~~\$208205~~. Due to the Standard Medical Deduction Demonstration Project, the standard deduction will be adjusted as explained in subsection (h) of this Section.

- d) Dependent Care Deduction
- 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria or to attend training or pursue education which is preparatory for employment (see 89 Ill. Adm. Code 112.70 through 112.83).
 - 2) The amount of the deduction is to be determined by the actual costs for care per month for each dependent household member.
- e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.
- f) Shelter Costs Deduction
- 1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) of this Section have been made. The shelter deduction shall not exceed \$459.
 - 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (2008) and Section 121.61, there is no limit on the amount of the excess shelter deduction.
 - 3) Shelter costs include only the following:
 - A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
 - B) property taxes, State and local assessments and insurance on the structure itself; and

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- C) utility costs, as described in subsection (g) of this Section.
- 4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
 - A) the household intends to return to the home;
 - B) the current occupants of the home, if any, are not claiming the shelter costs for SNAP purposes; and
 - C) the home is not leased or rented during the absence of the household.
 - 5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.
- g) Utility Costs
- 1) Utility costs include:
 - A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection;
 - B) basic service fee for one telephone (including tax on the basic fee) of \$29; and
 - C) fees charged by the utility provider for initial installation.
 - 2) Utility deposits are not considered to be utility costs.
 - 3) A standard must be used if the household is billed for utilities. See Section 121.63(g)(7) for households that claim utility expenses for an unoccupied home. Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of \$324. Those

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households that are not billed for air conditioning or heating but are billed for at least two other utilities must use the limited utility standard allowance of \$199. Those households that are not billed for air conditioning or heating but are billed for a single utility, other than telephone, must use the single utility standard allowance of \$43. If only a separately-billed telephone expense is claimed, the basic telephone allowance of \$29 per month will be allowed. Households living in rental housing who are billed on a regular basis by a landlord for costs for utilities must use the appropriate standard.

- 4) A household that is billed less often than monthly for its costs for utilities must continue to use the appropriate standard between billing months.
- 5) Households in public housing or privately-owned rental units that receive a bill for over-usage are entitled to use the air conditioning/heating standard allowance. When households (as defined at 7 CFR 273.1(a)(2008)) live together, the air conditioning/heating standard allowance, the limited utility standard allowance, or the single utility standard allowance, whichever is appropriate, shall be allowed for each household that contributes toward the utility costs whether or not each household participates in the program.
- 6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Low Income Home Energy Program (89 Ill. Adm. Code 109) shall be entitled to the air conditioning/heating standard allowance (7 CFR 273.9 and 273.10(d)(6) (2008)). Households who receive, or reasonably expect to receive, a Low Income Energy Assistance Program (LIHEAP) (89 Ill. Adm. Code 109) payment during the 12-month period, beginning with the date of the SNAP application, shall be allowed the air conditioning/heating standard (7 CFR 273.9 (2008)). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.
- 7) A household that has both an occupied home and an unoccupied home is entitled to only one standard. The appropriate utility standard may be used for the home the household chooses.
- h) Excess Medical Deduction. A deduction for excess medical expenses shall be

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allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (2008) and Section 121.61. When a qualifying household member incurs medical expenses that are over \$35, the household will be given a Standard Medical Deduction if the expenses will not be reimbursed by insurance or a third party. The Standard Medical Deduction is a result of a Demonstration Project authorized by USDA FNS. The Standard Medical Deduction is \$450 a month for residents of Group Homes or Supportive Living Facilities and \$210 a month for all other eligible households. Households whose medical expenses exceed \$485 and \$245 a month, respectively, may opt to claim actual documented medical expenses in lieu of the Standard Medical Deduction and the amount over \$35 will be allowed as a deduction. To ensure federal costs do not increase, the Standard Deduction in subsection (c) of this Section will be reduced by \$4 per month for all SNAP households.

(Source: Peremptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Residential Mortgage License Act of 1987
- 2) Code Citation: 38 Ill. Adm. Code 1050
- 3) Register Citation of proposed Amendments: 35 Ill. Reg. 14574; September 2, 2011
- 4) Date, Time and Location of Public Hearing:

Monday, October 17, 2011, 1:00 pm to 3:00 pm
Department of Financial and Professional Regulation
9511 Harrison St.
The LGI Room
DesPlaines, IL 60016
- 5) Other Pertinent Information: The hearing will be held for the sole purpose of gathering public comments on the Proposed Amendments. Persons interested in presenting testimony at this hearing are advised that the Department of Financial and Professional Regulation will adhere to the following procedures in the conduct of the hearing:
 - 1) Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
 - 2) No oral testimony shall exceed an aggregate of 10 minutes for the presentation.
 - 3) No person will be recognized to speak for a second time until all persons wishing to testify have done so.
 - 4) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedure, including the order of call of witnesses, as he/she sees fit.
 - 5) Those individuals who are unable to attend the public hearing, but wish to comment on the Proposed Amendment should submit written comments by October 17, 2011, which is the public comment period deadline.
- 6) Name and Address of Agency Contact Person:

Craig Cellini, Rules Coordinator

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

Department of Financial and Professional Regulation
320 West Washington, 3rd Floor
Springfield, IL 62786

217/785-0813
Fax #: 217/557-4451

JOINT COMMITTEE ON ADMINISTRATIVE RULES
OCTOBER AGENDA

SCHEDULED MEETING:

MICHAEL A. BILANDIC BUILDING
ROOM 600C
CHICAGO, ILLINOIS
OCTOBER 11, 2011
11:00 A.M.

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Illinois Register* submittal deadlines, the agenda below may be incomplete. Other items not contained in this published agenda may be considered by the Committee at the meeting, and items from the list may be postponed to future meetings.

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 rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

*Email: jcar@ilga.gov
Phone: 217/785-2254*

RULEMAKINGS CURRENTLY BEFORE JCAR**PROPOSED RULEMAKINGS**Attorney General

1. Programmatic and Fiscal Requirements for Administering Funds under the Violent Crime Victims Assistance Act (Repealer) (89 Ill. Adm. Code 1100)
 - First Notice Published: 34 Ill. Reg. 17939 – 11/29/10
 - Expiration of Second: 10/27/11
2. Programmatic and Fiscal Requirements for Administering Funds under the Violent Crime Victims Assistance Act (89 Ill. Adm. Code 1100)
 - First Notice Published: 34 Ill. Reg. 17977 – 11/29/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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-Expiration of Second: 10/27/11

Commerce and Economic Opportunity

3. Illinois Promotion Act Programs (14 Ill. Adm. Code 510)
 - First Notice Published: 35 Ill. Reg. 7023 – 4/29/11
 - Expiration of Second: 10/13/11
4. Employer Training Investment Program (56 Ill. Adm. Code 2650)
 - First Notice Published: 35 Ill. Reg. 4745 – 3/25/11
 - Expiration of Second: 10/24/11

Financial and Professional Regulation

5. Cemetery Oversight Act (68 Ill. Adm. Code 1249)
 - First Notice Published: 35 Ill. Reg. 11050 – 7/15/11
 - Expiration of Second: 10/23/11
6. Illinois Occupational Therapy Practice Act (68 Ill. Adm. Code 1315)
 - First Notice Published: 35 Ill. Reg. 6253 – 4/15/11
 - Expiration of Second: 10/28/11

Higher Education

7. Collaborative Baccalaureate Degree Development Grant Program (23 Ill. Adm. Code 1090)
 - First Notice Published: 35 Ill. Reg. 9217 – 6/24/11
 - Expiration of Second: 11/3/11

Human Services

8. Supplemental Nutrition Assistance Program (SNAP) (89 Ill. Adm. Code 121)
 - First Notice Published: 35 Ill. Reg. 08754 – 6/10/11
 - Expiration of Second: 11/2/11
9. Supplemental Nutrition Assistance Program (SNAP) (89 Ill. Adm. Code 121)
 - First Notice Published: 35 Ill. Reg. 9228 – 6/24/11
 - Expiration of Second: 11/2/11

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Natural Resources

10. Snowmobile Trail Establishment Fund Grant Program (17 Ill. Adm. Code 3020)
-First Notice Published: 35 Ill. Reg. 12624 – 7/29/11
-Expiration of Second: 11/5/11

Pollution Control Board

11. Solid Waste (35 Ill. Adm. Code 807)
-First Notice Published: 35 Ill. Reg. 10490 – 7/8/11
-Expiration of Second: 10/28/11
12. Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)
-First Notice Published: 35 Ill. Reg. 10505 – 7/8/11
-Expiration of Second: 10/28/11

Public Health

13. Heartsaver AED Grant Code (77 Ill. Adm. Code 530)
-First Notice Published: 35 Ill. Reg. 11197 – 7/15/11
-Expiration of Second: 11/2/11
14. Psychiatry Incentive Program Code (77 Ill. Adm. Code 577)
-First Notice Published: 35 Ill. Reg. 11202 – 7/15/11
-Expiration of Second: 10/14/11
15. Hospital Capital Investments (77 Ill. Adm. Code 976)
-First Notice Published: 35 Ill. Reg. 10652 – 7/8/11
-Expiration of Second: 10/20/11

Secretary of State

16. Departmental Duties (2 Ill. Adm. Code 552)
-First Notice Published: 35 Ill. Reg. 12267 – 7/22/11
-Expiration of Second: 10/29/11
17. Illinois State Library Grant Programs (23 Ill. Adm. Code 3035)
-First Notice Published: 35 Ill. Reg. 12686 – 7/29/11
-Expiration of Second: 10/29/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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State Police

18. Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds (20 Ill. Adm. Code 1286)
-First Notice Published: 35 Ill. Reg. 12741 – 7/29/11
-Expiration of Second: 11/2/11

Transportation

19. Business Logo Signing Program (92 Ill. Adm. Code 542)
-First Notice Published: 35 Ill. Reg. 12273 – 7/22/11
-Expiration of Second: 10/23/11
20. Tourism Attraction Signing Program (92 Ill. Adm. Code 543)
-First Notice Published: 35 Ill. Reg. 12301 – 7/22/11
-Expiration of Second: 10/23/11

EMERGENCY RULEMAKINGS

Healthcare and Family Services

21. Illinois Cares Rx Program (89 Ill. Adm. Code 119)
-Notice Published: 35 Ill. Reg. 15163 – 9/9/11

Racing Board

22. Medication (11 Ill. Adm. Code 603)
-Notice Published: 35 Ill. Reg. 15296 – 9/16/11

Transportation

23. Prequalification of Contractors, Authorization to Bid, and Subcontractor Registration (44 Ill. Adm. Code 650)
-Notice Published: 35 Ill. Reg. 15485 – 9/23/11

PEREMPTORY RULEMAKINGS

Central Management Services

24. Pay Plan (80 Ill. Adm. Code 310)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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-Notice Published: 35 Ill. Reg. 15178 – 9/9/11

Education

- 25. Certification (23 Ill. Adm. Code 25)
-Notice Published: 35 Ill. Reg. 14663 – 9/2/11
- 26. Standards for Certification in Special Education (23 Ill. Adm. Code 28)
-Notice Published: 35 Ill. Reg. 14709 – 9/2/11
- 27. Special Education (23 Ill. Adm. Code 226)
-Notice Published: 35 Ill. Reg. 14836 – 9/2/11

EXPEDITED CORRECTION

Public Health

- 28. Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
-Notice of Correction: 35 Ill. Reg. 15308 – 9/16/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 20, 2011 through September 26, 2011 and have been scheduled for review by the Committee at its October 11, 2011 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
11/3/11	<u>Board of Higher Education</u> , Collaborative Baccalaureate Degree Development Grant Program (23 Ill. Adm. Code 1090)	6/24/11 35 Ill. Reg. 9217	10/11/11
11/5/11	<u>Department of Natural Resources</u> , Snowmobile Trail Establishment Fund Grant Program (17 Ill. Adm. Code 3020)	7/29/11 35 Ill. Reg. 12624	10/11/11

PROCLAMATIONS

2011-319**Radium Girls Day**

WHEREAS, occupational health and safety is a cross-disciplinary area concerned with protecting the safety, health and welfare of people engaged in work or employment; and,

WHEREAS, worker's health, and especially low-income and women workers' health, was among the central concerns of the social reform movement to improve public health in the early 20th century; and,

WHEREAS, some of these advocates, known as "The Radium Girls" were young women who worked in the luminous dial painting industry in Ottawa, Illinois, painting clock faces with radium-based paint; and,

WHEREAS, in order to produce consistent, even brush strokes on the painted clock faces, these young women were instructed to lick the brush, but never told about the dangers of radioactive materials; and,

WHEREAS, Radium Dial, a company later named Luminous Processes, became aware of the dangers this posed to their young employees in 1925 but hid the information until 1934, when seven women, known as "The Society of the Living Dead" began a series of legal and social battles to spread awareness not only of the dangers of radioactive material, but also of the importance of occupational health and safety; and,

WHEREAS, the Radium Girls deserve the utmost respect and admiration from the residents of the State of Illinois and the United States of America concerning the issue of occupational health and safety because they battled a dishonest company, an indifferent industry, dismissive courts and the medical community in the face of debilitating joint pain, bone fractures and infections, bone tumors, anemia and certain death; and,

WHEREAS, believing that all working men and women in our state deserve the opportunity to make a living and raise families by working under the safest conditions possible, the State of Illinois has long been a national leader in promoting health and safety in the workplace; however, occupational health disparities still exist in our state and throughout the nation; and,

WHEREAS, on Friday, September 2, 2011, a bronze monument will be dedicated to the Radium Girls at the site of the old Luminous Processes building in Ottawa, Illinois, in honor of the dedication, persistence and bravery they demonstrated in their fight to set safety standards for industrial exposure to radiation, making dial painting and other industries safer for workers:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 2, 2011 as **RADIUM GIRLS DAY** in Illinois, in recognition of the tremendous perseverance, dedication and sense of justice the Radium Girls exhibited in their fight for workplace safety and

PROCLAMATIONS

of the importance of occupational health in safety for all working men and women in the Land of Lincoln.

Issued by the Governor September 1, 2011

Filed by the Secretary of State September 23, 2011

2011-320**National Recovery Month: Prevention Works, Treatment is Effective, People Recover**

WHEREAS, substance abuse treatment is an essential part of health and one's overall wellness, and prevention works, treatment is effective, and people can and do recover from substance use; and,

WHEREAS, all people have the fundamental and inherent value to be accepted and treated with respect, human dignity, and worth; and,

WHEREAS, individuals should have access to fully participate in community life including economic advancement and prosperity; fair and decent housing; quality education; positive opportunities to benefit from and contribute to material, cultural, and social progress; and,

WHEREAS, it is critical to educate our policymakers, friends and family members, health care providers, and businesses that substance use is treatable, and that people should seek assistance for this condition with the same urgency as they would any other health condition; and,

WHEREAS, all Americans have the opportunity to access provisions within the Affordable Care Act and Mental Health Parity and Addictions Equity Act (MHPAEA), aimed to improve physical and emotional health while ensuring people will receive the care they need at a more reasonable cost; and,

WHEREAS, substance use is a serious public health problems. In 2009, 4.3 million people received treatment for a substance use disorder (2009 National Survey on Drug Use and Health), we must continue to reach the millions more who need help; and,

WHEREAS, to help more people achieve long-term recovery, and learn how recovery positively benefits the Nation's overall well-being, the U.S. Department of Health and Human Services (HHS), the Substance Abuse and Mental Health Services Administration (SAMHSA), the White House Office of National Drug Control Policy (ONDCP), and the Illinois Department of Human Services Division of Alcohol and Substance abuse invite all residents of Illinois to participate in National Recovery Month: Prevention Works, Treatment is Effective, People Recover:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 2011 as **NATIONAL RECOVERY MONTH: PREVENTION WORKS, TREATMENT IS**

PROCLAMATIONS

EFFECTIVE, PEOPLE RECOVER, in Illinois and call upon the people of our state to observe this month with appropriate programs, activities, and ceremonies supporting this year's theme, "Join the Voices for Recovery: Recovery Benefits Everyone."

Issued by the Governor September 1, 2011

Filed by the Secretary of State September 23, 2011

2011-321**Jeanie Thompson Day**

WHEREAS, the hard work and determination of America's citizens is among our greatest resources; and,

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

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

WHEREAS, countless people across the state strive to improve our communities through volunteer and community service efforts; and,

WHEREAS, one such person is Carol "Jeanie" Thompson; and,

WHEREAS, while in college, Jeanie Thompson became a student worker between classes for the Illinois Workers' Compensation Commission, an agency that helps protect working people. After graduation she went on to work for the Illinois Workers' Compensation Commission for more than 30 years; and,

WHEREAS, Jeanie Thompson was at her happiest helping the members of the public through her work at the Commission, but she also loved cooking and house and pet sitting for her loved ones, friends, and neighbors; and,

WHEREAS, Jeanie Thompson contributed to the quality of life in Illinois through her service to all of those around her; and,

WHEREAS, on September 7, Jeanie Thompson's birthday, her friends, coworkers, and family will remember her for making a difference in her community, displaying a true Illinois spirit through her hard work and dedication to helping others, and for helping to make the State of Illinois a great place to live and work:

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 7, 2011 as **JEANIE THOMPSON DAY** in Illinois, in celebration of her spirit of caring and giving, and in recognition of her positive impact on our state.

Issued by the Governor September 1, 2011

Filed by the Secretary of State September 23, 2011

2011-322
Parents of Multiples Day

WHEREAS, according to the United States Census Bureau, the 2007 twin birth rate was 32.2 per 1,000 total births; and,

WHEREAS, according to the same Census data from 2007, the triplet/+ rate (the number of triplets, quadruplets, and quintuplets and other higher order multiples) was 148.9 per 100,000 births; and,

WHEREAS, twins and higher order multiples and their mothers share a special bond, but often can bring about unforeseen challenges and lifestyle adjustments; and,

WHEREAS, for that reason, the Illinois Organization of Mothers of Twins Clubs was formed in 1960 to provide support, information, and networking services to parents of twins and higher order multiples through its member club affiliates; and,

WHEREAS, the Illinois Organization of Mothers of Twins Clubs serves multiple birth families in Illinois through its scholarship program, Special Needs Assistance Fund, speakers' bureau, quarterly publication, and annual conference; and,

WHEREAS, the Illinois Organization of Mothers of Twins Clubs also serves as a liaison with the National Organization of Mothers of Twins Clubs, Inc., a network of local clubs nationwide whose basic purposes are research and education; and,

WHEREAS, each year, the Illinois Organization of Mothers of Twins Clubs hosts a convention that brings mothers of twins and higher order multiples throughout the state together to share new information and engage in networking opportunities; and,

WHEREAS, the 49th Annual Convention of the Illinois Mothers of Twins Clubs will be held October 14 - 16, 2011 in Springfield, Illinois:

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 15, 2011 as **PARENTS OF MULTIPLES DAY** in Illinois, to recognize mothers of twins for the care and love they, like all mothers, provide to our children.

Issued by the Governor September 9, 2011

Filed by the Secretary of State September 23, 2011

2011-323**Day of Service and Remembrance**

WHEREAS, ten years ago on September 11, 2001, terrorists attacked the United States, leading to the deaths of thousands of innocent Americans and citizens from more than 90 different countries and territories; and,

WHEREAS, in response to the attacks in New York City, Washington D.C., and Shanksville, PA, firefighters, police officers, emergency medical technicians, physicians, nurses, military personnel and other first responders, immediately and without concern for their own well-being rose to service, in a heroic attempt to protect the lives of those still at risk, consequently saving thousands of men and women; and,

WHEREAS, in the days, weeks and months following September 11, thousands of people in the United States and other nations spontaneously volunteered to help support the rescue and recovery efforts, braving both physical and emotional hardship; and,

WHEREAS, hundreds of thousands of brave men and women continue to serve every day, having answered the call to duty as members of the United States Armed Forces, with thousands even giving their lives to defend our nation's security and prevent future attacks; and,

WHEREAS, the entire nation witnessed and shared in the tragedy of 9/11 ten years ago, and in the immediate aftermath of the September 11 attacks became unified under a remarkable spirit of service and compassion that inspired and helped heal the nation; and,

WHEREAS, for these ten years following the September 11, 2001 attacks, the U.S. Bureau of Labor Statistics has documented a marked increase in volunteerism among citizens in the United States; and,

WHEREAS, hundreds of thousands of people from all 50 United States, as well as others who live in 170 different countries, already pay tribute each anniversary to the lives lost on September 11, 2001 by personally engaging in service, good deeds and other charitable acts; and,

PROCLAMATIONS

WHEREAS, families of 9/11 victims, survivors, first responders, rescue and recovery workers, and volunteers called for Congress to pass legislation to formally authorize the establishment of September 11 as an annually recognized "National Day of Service and Remembrance," and for the President of the United States to proclaim the day as such; and,

WHEREAS, on March 31, 2009, Congress passed the Edward M. Kennedy Serve America Act, which included for the first time the authorization and federal recognition of September 11 as a "National Day of Service and Remembrance," a bill signed into law on April 21, 2009, by President Barack Obama; and,

WHEREAS, this year, as we observe the 10th anniversary of the September 11 attacks, it is appropriate that we reflect upon the spirit of service which pervaded our nation in the days, weeks, and months following 9/11, while recommitting ourselves to service to our fellows so that spirit may live on to honor all of the victims of that day and the heroic efforts of the first responders and military service members who answered the call to serve in the years since; and,

WHEREAS, participation in National Day of Service events by people from all walks of life across the Land of Lincoln embodies the spirit of unity and service that inspired Americans in the days after the September 11, 2001 tragedy:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 11, 2011 as a **DAY OF SERVICE AND REMEMBRANCE** in Illinois, and order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise until sunset on this in honor and remembrance of the victims of the September 11 terror attacks, and further urge all citizens to commit to community service on this day and an ongoing basis.

Issued by the Governor September 9, 2011

Filed by the Secretary of State September 23, 2011

2011-324**Canavan Disease Awareness Month**

WHEREAS, Canavan Research Illinois is an Illinois nonprofit corporation established in April 2000 to meet a critical need to support medical research to treat, cure, and improve the quality of lives of all children battling Canavan disease, a rare and fatal genetic neurological disorder; and,

WHEREAS, the majority of those afflicted with Canavan disease do not reach their 18th birthday. These innocent children face the loss of all motor functions, blindness, paralysis, feeding tubes, and eventual disintegration of the brain, at which point they fall into a vegetative state from which they cannot recover; and,

PROCLAMATIONS

WHEREAS, Canavan Research Illinois is an all volunteer charity dedicated to raise funds to support cutting-edge research, increase public awareness, and provide a network for Canavan families; and,

WHEREAS, on October 15, 2011, Canavan Research Illinois will hold the 13th Annual Canavan Charity Ball. This year's Ball is being held in honor of Max Randell's 14th birthday, a momentous milestone for this young man living with Canavan disease:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2011 as **CANAVAN DISEASE AWARENESS MONTH** in Illinois, to raise awareness of Canavan disease and in support of Canavan Research Illinois' important efforts to improve the quality of life of those who are battling this disease.

Issued by the Governor September 9, 2011

Filed by the Secretary of State September 23, 2011

2011-325**Chiropractic Health Care Month**

WHEREAS, every year, more than 30 million Americans throughout the country, including 2 million in Illinois, visit chiropractors who locate and help correct joint and spinal problems; and,

WHEREAS, chiropractic physicians have long stressed that exercise, good posture, and balanced nutrition are essential to proper growth, development, and health maintenance; and,

WHEREAS, Illinois chiropractic physicians are dedicated to protecting and promoting patient rights, the practice of chiropractic medicine and fostering the growth of chiropractic through ongoing training and a commitment to safe and ethical practice; and,

WHEREAS, chiropractic is a safe, conservative approach to pain relief and wellness, and is the most popular form of natural healthcare in the world; and,

WHEREAS, the science of chiropractic and the physicians who practice it have contributed greatly to the health and wellbeing of the people of Illinois:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2011 as **CHIROPRACTIC HEALTH CARE MONTH** in Illinois, to raise awareness about chiropractic care.

Issued by the Governor September 9, 2011

Filed by the Secretary of State September 23, 2011

PROCLAMATIONS

2011-326**Domestic Violence Awareness Month**

WHEREAS, domestic violence is a prevalent social problem that not only harms the victim, but also negatively affects the victim's family, friends and community at large; and,

WHEREAS, domestic violence knows no boundaries. It exists in all neighborhoods and cities, and affects people of all ages, racial, ethnic, economic, and religious backgrounds; and,

WHEREAS, one in four women will experience domestic violence sometime in her life. In Illinois alone, there are approximately 115,000 to 125,000 domestic crimes each year; and,

WHEREAS, for many victims of domestic violence, abuse experienced at home often follows them to the workplace, when they are harassed by threatening phone calls and/or emails; and,

WHEREAS, the health-related costs of rape, physical assault, stalking and homicide by intimate partners amount to nearly \$6 billion every year, and the annual cost of lost productivity in the workplace due to domestic violence is estimated to be hundreds of millions of dollars, with nearly 8 million paid workdays lost per year; and,

WHEREAS, the Victims' Economic Security and Safety Act (VESSA) provides workplace protections specifically for victims of domestic or sexual violence; and,

WHEREAS, on August 24, 2009, legislation was signed amending VESSA to expand protections to more Illinois workers who are affected by domestic or sexual violence; and,

WHEREAS, VESSA, which is enforced by the Illinois Department of Labor, allows employees who are victims of domestic or sexual violence or who have a family or household member who is a victim of domestic or sexual violence, up to 12 workweeks of unpaid leave in any 12-month period; and,

WHEREAS, VESSA prohibits employer discrimination against any employee who is a victim of domestic or sexual violence or any employee who has a family or household member who is a victim of domestic or sexual violence; and,

WHEREAS, the Illinois Department of Human Services is dedicated to ensuring that Illinois residents live free from domestic violence, promoting prevention, and working in partnership with communities to advance equality, dignity, and respect for all; and,

PROCLAMATIONS

WHEREAS, the Illinois Department of Human Services supports dozens of multi-service domestic violence programs throughout the state, offering counseling and advocacy, legal assistance, children's services, and shelter and support services at no cost to the victim; and,

WHEREAS, throughout the month of October, the Illinois Coalition Against Domestic Violence and its 52 member organizations will hold numerous events across the state in observance of Domestic Violence Awareness Month, including Silent Witness events, candlelight vigils, and marches:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2011 as **DOMESTIC VIOLENCE AWARENESS MONTH** in Illinois, to raise awareness about the problem of domestic violence throughout the state and its devastating effects on families and communities, and to urge all victims to seek help either by calling the Statewide Domestic Violence Helpline, 1-877-TO END DV (1-877-863-6338) or visiting a local help center.

Issued by the Governor September 9, 2011

Filed by the Secretary of State September 23, 2011

2011-327**Cyber Security Awareness Month**

WHEREAS, we recognize the vital role that technology has in our daily lives and in the future of our State and Nation because today many citizens, schools, libraries, businesses and other organizations use the Internet for a variety of tasks, including keeping in contact with family and friends, managing personal finances, performing research, enhancing education and conducting business; and,

WHEREAS, critical sectors are increasingly reliant on information systems to support financial services, energy, telecommunications, transportation, utilities, health care, and emergency response systems; and,

WHEREAS, the use of the internet at the primary and secondary school levels in this State enhances the education of our youth by providing them access to online educational and research materials and at institutions of higher education, the use of information technology is integral to teaching and learning, research, and outreach and service; and,

WHEREAS, Internet users and our information infrastructure face an increasing threat of malicious cyber attack, loss of privacy from spyware and adware and significant financial and personal privacy losses due to identity theft and fraud; and,

PROCLAMATIONS

WHEREAS, the Multi-State Information Sharing and Analysis Center was established in January 2003 to provide a collaborative mechanism to help state, local, territorial and tribal governments enhance cyber security and provide a comprehensive approach to help enhance their security; and,

WHEREAS, maintaining the security of cyberspace is a shared responsibility in which each of us has a critical role, and awareness of computer security essentials will improve the security of Illinois' information infrastructure and economy; and,

WHEREAS, the United States Department of Homeland Security, the Multi-State Information Sharing and Analysis Center, the National Cyber Security Alliance, and the National Association of State Chief Information Officers have declared October as National Cyber Security Awareness Month:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2011 as **CYBER SECURITY AWARENESS MONTH** in Illinois, and encourage all citizens to learn about cyber security and put that knowledge into practice in their homes, schools, workplaces, and businesses.

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Filed by the Secretary of State September 23, 2011

2011-328**Illinois Arts & Humanities Month**

WHEREAS, the arts and humanities are the embodiment of all things beautiful and entertaining in the world -- the enduring record of human achievement; and,

WHEREAS, the arts and humanities enhance every aspect of life in Illinois -- improving our economy, enriching our civic life, driving tourism, and exerting a profound positive influence on the education of our children; and,

WHEREAS, arts education research shows that the arts help to foster discipline, creativity, imagination, self-expression, and problem solving skills while also helping to develop a heightened appreciation of beauty and cross-cultural understanding; and,

WHEREAS, we use the humanities -- history, literature, philosophy -- to explore what it means to be human; and,

WHEREAS, the arts and humanities play a unique and intrinsically valuable role in the lives of our families, our communities, and our state; and,

PROCLAMATIONS

WHEREAS, the month of October has been recognized as National Arts and Humanities Month by thousands of arts and cultural organizations, communities, and states across the country, as well as by the White House and Congress for more than two decades:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2011 as **ILLINOIS ARTS & HUMANITIES MONTH** and call upon all citizens to celebrate and promote the arts and culture in the Land of Lincoln.

Issued by the Governor September 9, 2011

Filed by the Secretary of State September 23, 2011

2011-329

National Bullying Prevention Month

WHEREAS, bullying is physical, verbal, sexual, or emotional harm or intimidation directed at a person or group of people; and,

WHEREAS, bullying occurs in neighborhoods, playgrounds, schools, and increasingly through technology such as the Internet; and,

WHEREAS, various researchers have concluded that bullying is the most common form of violence, affecting millions of American children and adolescents annually; and,

WHEREAS, thousands of Illinois children and adolescents are targets of bullying annually; and,

WHEREAS, targets of bullying are more likely to acquire physical, emotional, and learning problems and students who are repeatedly bullied often fear such activities as riding the bus, going to school, and attending community activities; and,

WHEREAS, children who bully are at greater risk of engaging in more serious violent behaviors; and,

WHEREAS, a large percentage of children who are bullied believe that adult help is infrequent and ineffective; and,

WHEREAS, there is a continued need to raise increased awareness of the detrimental effects of bullying, as well as to make teachers, parents, students, and community members aware of the resources available to prevent bullying and assist bullied kids; and,

WHEREAS, no child deserves to be the victim of bullying:

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2011 as **NATIONAL BULLYING PREVENTION MONTH** in Illinois, and encourage schools, parents, recreation programs, religious institutions, and community organizations to engage in a variety of awareness and prevention activities designed to make our communities safer for all children and adolescents.

Issued by the Governor September 9, 2011

Filed by the Secretary of State September 23, 2011

2011-330**National Gymnastics Day**

WHEREAS, gymnastics provides a great foundation for building strength, flexibility, and fitness and also for life skills like enhancing self-esteem and developing goal-setting abilities; and,

WHEREAS, USA Gymnastics, whose mission it is to encourage participation and the pursuit of excellence in sports, and its member clubs across the country annually celebrate National Gymnastics Day to showcase the sport of gymnastics and to encourage and promote physical fitness and healthy lifestyles among our nation's youth; and,

WHEREAS, National Gymnastics Day seeks to promote the value of physical fitness and good nutrition for everyone, regardless of age, gender, and ability level; and,

WHEREAS, in support of National Gymnastics Day, gymnastics clubs across the United States partner with USA Gymnastics to heighten the visibility of the sport and encourage participation at the grassroots level; and,

WHEREAS, National Gymnastics Day also aims to serve the greater community good by raising funds for the Children's Miracle Network to provide comfort and assistance to children who are unable to provide for themselves:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 17, 2011 as **NATIONAL GYMNASTICS DAY** in Illinois, and encourage citizens of the state to support the worthy efforts of USA Gymnastics.

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Filed by the Secretary of State September 23, 2011

2011-331**National Truck Driver Appreciation Week**

PROCLAMATIONS

WHEREAS, U.S. professional truck drivers deliver life's essentials safely and securely to every home, community, school, hospital and business in America. They travel more than 408 billion miles delivering more than 68 percent of total U.S. freight tonnage; and,

WHEREAS, the more than 3.2 million men and women professional truck drivers who serve this nation are among the safest of all drivers, and are dedicated to safety on our highways and in our workplaces, to the industry they work in, and to the citizens of the United States of America; and,

WHEREAS, the men and women professional truck drivers of the State of Illinois safely deliver more than 1.2 million tons of freight each day to over 70 percent of Illinois communities who depend solely on the professional truck drivers to receive their goods; and,

WHEREAS, the professional truck drivers who keep the shelves of our local supermarkets fully stocked; deliver medicine and medical supplies to hospitals and clinics; and deliver goods at every stage of production – from raw materials to the store shelf, should be recognized for their dedication and hard work; and,

WHEREAS, as American citizens and consumers, we should all take a moment to honor the significant contributions of our professional truck drivers. The efficiency and safety that these drivers guarantee allow businesses and private citizens to confidently ship goods across state lines and throughout America; and,

WHEREAS, in recognition of the importance of professional truck drivers to our well-being and the economic value of their industry to Illinois, it is proper to honor the men and women truck drivers for their past and future contributions; and,

WHEREAS, professional truck drivers should be recognized as vital to America:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 11-17, 2011 as **NATIONAL TRUCK DRIVER APPRECIATION WEEK** in Illinois, in recognition of the important contributions of professional truck drivers to the expansion and health of our economy, and in honor of the dedicated professional truck drivers who drive many miles every day in the safest manner possible.

Issued by the Governor September 9, 2011

Filed by the Secretary of State September 23, 2011

2011-332
Mexican Independence Day

PROCLAMATIONS

WHEREAS, indigenous people of Mexico created great civilizations known throughout the World, such as the Olmec, Teotihuacan, Maya, Toltec and the Aztec; and,

WHEREAS, in 1521, 500 Spanish soldiers arrived in Mexico to begin what would become a 300-year rule over what they called "Nueva España" or "New Spain"; and,

WHEREAS, this devastating rule brought with it unknown diseases, physical and economic hardships and challenges that would drastically diminish the Mexican population from 20 million to 1 million in just 100 years; and,

WHEREAS, in the early morning of September 16, 1810, in the small village of Dolores, Miguel Hidalgo y Costilla, better known as Father Hidalgo, accompanied by Ignacio Allende and Doña Josefa Ortiz de Dominguez rang the bell of his small church to make a passionate declaration for Mexicans to revolt against this oppressive authoritarian regime by proclaiming "Mexicanos, Viva México!"; and,

WHEREAS, the Cry of Dolores, begun by one man, would eventually become the battle cry of Mexico's fight for independence during the 11-year battle and represent the of unity of Mexican people and the power they share when they come together and fight for of the love of their home and country; and,

WHEREAS, this year will mark the 201st anniversary of Mexico's Independence from Spain and 101 years since the Mexican Revolution; and,

WHEREAS, more than 40 percent of Illinois' foreign born population can call Mexico their birthplace and Illinois is proud that 700,000 Mexican immigrants call the Land of Lincoln home; and,

WHEREAS, our state's thriving Mexican American population is well served by the Consulate General of Mexico in Chicago, and during this year's celebration of Mexican Independence Day we also welcome the newly appointed Consul General of Mexico in Chicago, The Honorable Eduardo Arnal Palomera; and,

WHEREAS, the contributions of Mexican Americans to the social, economic and cultural landscape of this State have greatly increased the quality of life for all Illinois residents:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 15, 2011 as **MEXICAN INDEPENDENCE DAY** in Illinois, and join all Mexican American citizens in celebration of this very special day. Mexicanos y Illinoisans, Viva México!

PROCLAMATIONS

Issued by the Governor September 15, 2011
Filed by the Secretary of State September 23, 2011

2011-333**American Humane Association Hero Dog Day**

WHEREAS, throughout the course of history, America has been defined in part by its heroes; and,

WHEREAS, America's human heroes and first responders have been well-served by search and rescue dogs, law enforcement and arson-detection dogs, and military dogs that risk their own lives to save human ones by detecting bombs and other explosives; and,

WHEREAS, service dogs trained to help the blind, the hearing impaired, individuals in wheelchairs or people requiring alerts to other medical conditions that could create medical emergencies have worked tirelessly and obediently to support their owners; and,

WHEREAS, some of America's pet dogs – though untrained in special skills – have performed extraordinary acts of kindness, comfort, or service, in innovative roles including comforting children hospitalized with cancer, the elderly in nursing homes, and veterans suffering PTSD; and,

WHEREAS, on October 1, 2011 these canine heroes will be honored for their brave and loyal service by the American Humane Association at a star-studded gala:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 1, 2011 as **AMERICAN HUMANE ASSOCIATION HERO DOG DAY** in Illinois, in recognition of the contributions made by America's dogs and in honor of the human-animal bond that creates a more caring, compassionate society.

Issued by the Governor September 15, 2011
Filed by the Secretary of State September 23, 2011

2011-334**Daniel Pearl World Music Days**

WHEREAS, a classically trained violinist and an avid fiddler and mandolin player, Daniel Pearl clearly believed the universal language of music to be an important and powerful aspect of human expression, and he used his passion for music to make friends of strangers wherever his travels took him; and,

PROCLAMATIONS

WHEREAS, an extraordinarily talented domestic and international journalist, Daniel Pearl opened our minds with his delightful humor, insatiable curiosity, and unwavering objectivity – uncovering difficult truths and, at the same time, offering a different perspective and shedding light on other cultures and customs; and,

WHEREAS, in repudiation of his senseless death, his treasured family and cherished friends carry on his life's work and desire to change the world by promoting cross-cultural understanding, combating hatred, bigotry, and injustice, and advancing tolerance and humanity through music; and,

WHEREAS, coinciding with October 10th – on what would have been his 48th birthday this year – Daniel Pearl World Music Days are a glorious celebration of tens of thousands joining in "Harmony for Humanity" at concerts and musical performances in countries across multiple continents, with the strength of this global community defying brutal acts of savagery and terrorism, and further reaffirming that human kindness prevails; and,

WHEREAS, this special observance is a joyful remembrance of a life taken much too soon. The masterfully gifted and compassionately benevolent Daniel Pearl will live on in our hearts and continue to bridge the differences among us – offering the hope and promise of a brighter tomorrow; and,

WHEREAS, the citizens of the this state welcome the opportunity to join with the people of the world for the tenth annual Daniel Pearl World Music Days, a fitting and beautiful tribute to the inspiring legacy of a truly remarkable individual who sought to unite all of humankind through his love of writing and music:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 1-31, 2011 as **DANIEL PEARL WORLD MUSIC DAYS** in Illinois.

Issued by the Governor September 15, 2011

Filed by the Secretary of State September 23, 2011

2011-335

Illinois Archives Month

WHEREAS, Illinois has a long, proud history that is documented in records that date back prior to statehood; and,

WHEREAS, these documents and records are housed in archives established by state and local governments, religious and medical institutions, colleges and universities, historical societies, libraries, museums, businesses, corporations, and families in order to preserve them so that

PROCLAMATIONS

future generations of Illinoisans may accurately study the past, learn from the experiences of their predecessors, trace their ancestors, and understand their relationship to both time and place; and,

WHEREAS, these records have been administered and made accessible by dedicated, yet often unheralded volunteers, trained caretakers, and professional archivists; and,

WHEREAS, the work of these archivists and the importance of these records programs seldom receive the recognition they deserve; and,

WHEREAS, the Society of American Archivists (SAA) supports an annual observance of Archives Month that serves as a unifying effort to promote archives and the work of archivists:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2011 as **ILLINOIS ARCHIVES MONTH** and urge all citizens to become more familiar with the archival institutions in their communities and throughout our State and to recognize the efforts of all the volunteers, caretakers, and archivists who maintain our valuable archival institutions and historical resources.

Issued by the Governor September 15, 2011

Filed by the Secretary of State September 23, 2011

2011-336**Rett Syndrome Awareness Month**

WHEREAS, Rett syndrome is a debilitating neurological disorder, caused by mutations in the gene MECP2, located on the X chromosome, that is diagnosed almost exclusively in females; and,

WHEREAS, Rett syndrome, which affects approximately 1 in every 10,000 to 23,000 female births, was originally described by Dr. Andreas Rett of Austria in 1966; and,

WHEREAS, infants with Rett syndrome often avoid detection until 6–18 months due to a relatively normal appearance and some developmental progress, but then a brief period of developmental progress is followed by stagnation and regression of previously acquired skills; and,

WHEREAS, Rett syndrome causes problems in brain function that are responsible for cognitive, sensory, emotional, motor and autonomic function. These can include learning, speech, sensory sensations, mood, movement, breathing, cardiac function, and even chewing, swallowing, and digestion; and,

PROCLAMATIONS

WHEREAS, currently no cure for exists for Rett syndrome, but many symptoms of the disorder can be managed with medications as well as occupational, speech, and physical therapy; and,

WHEREAS, Rett syndrome remains little known in the general public, even within the medical community; and,

WHEREAS, Rett syndrome presents many challenges, but with support, therapy and assistance, those with the syndrome can benefit from school and community activities well into middle age and beyond; and,

WHEREAS, the International Rett Syndrome Foundation (IRSF) is a non-profit corporation dedicated to funding research for treatments and a cure for Rett syndrome while enhancing the overall quality of life for those living with Rett syndrome by providing information, programs, and services; and,

WHEREAS, October has been designated by the IRSF as Rett Syndrome Awareness Month. Throughout the month, the organization and its state and local affiliates will hold events designed to raise public awareness of Rett syndrome and provide support for individuals and families coping with the daily challenges of living with the disorder:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2011 as **RETT SYNDROME AWARENESS MONTH** in Illinois, to raise awareness of this disorder, to recognize the families affected by Rett syndrome, and in support of the important work of the International Rett Syndrome Foundation.

Issued by the Governor September 15, 2011

Filed by the Secretary of State September 23, 2011

ILLINOIS ADMINISTRATIVE CODE
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