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**Editor's Note:** The Secretary of State Index Department is providing this opportunity to remind you that the deadline to submit your January 2020 Regulatory Agenda will occur on Thursday, January 2, 2020.

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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 2019

<b>Issue#</b>	<b>Rules Due Date</b>	<b>Date of Issue</b>
1	December 26, 2018	January 4, 2019
2	December 31, 2018	January 11, 2019
3	January 7, 2019	January 18, 2019
4	January 14, 2019	January 25, 2019
5	January 22, 2019	February 1, 2019
6	January 28, 2019	February 8, 2019
7	February 4, 2019	February 15, 2019
8	February 11, 2019	February 22, 2019
9	February 19, 2019	March 1, 2019
10	February 25, 2019	March 8, 2019
11	March 4, 2019	March 15, 2019
12	March 11, 2019	March 22, 2019
13	March 18, 2019	March 29, 2019
14	March 25, 2019	April 5, 2019
15	April 1, 2019	April 12, 2019
16	April 8, 2019	April 19, 2019
17	April 15, 2019	April 26, 2019
18	April 22, 2019	May 3, 2019
19	April 29, 2019	May 10, 2019
20	May 6, 2019	May 17, 2019
21	May 13, 2019	May 24, 2019

22	May 20, 2019	May 31, 2019
23	May 28, 2019	June 7, 2019
24	June 3, 2019	June 14, 2019
25	June 10, 2019	June 21, 2019
26	June 17, 2019	June 28, 2019
27	June 24, 2019	July 5, 2019
28	July 1, 2019	July 12, 2019
29	July 8, 2019	July 19, 2019
30	July 15, 2019	July 26, 2019
31	July 22, 2019	August 2, 2019
32	July 29, 2019	August 9, 2019
33	August 5, 2019	August 16, 2019
34	August 12, 2019	August 23, 2019
35	August 19, 2019	August 30, 2019
36	August 26, 2019	September 6, 2019
37	September 3, 2019	September 13, 2019
38	September 9, 2019	September 20, 2019
39	September 16, 2019	September 27, 2019
40	September 23, 2019	October 4, 2019
41	September 30, 2019	October 11, 2019
42	October 7, 2019	October 18, 2019
43	October 15, 2019	October 25, 2019
44	October 21, 2019	November 1, 2019
45	October 28, 2019	November 8, 2019
46	November 4, 2019	November 15, 2019
47	November 12, 2019	November 22, 2019
48	November 18, 2019	December 2, 2019
49	November 25, 2019	December 6, 2019
50	December 2, 2019	December 13, 2019
51	December 9, 2019	December 20, 2019
52	December 16, 2019	December 27, 2019

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
310.47	Amendment
310.50	Amendment
310.100	Amendment
310.260	Amendment
310.460	Amendment
310.490	Amendment
310.500	Amendment
310.530	Amendment
310.550	New Section
310.560	Repealed
310.570	Repealed
310.Appendix D	Amendment
310.Appendix G	Amendment
- 4) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a, 20 ILCS 415/8c, 20 ILCS 415/8e, 20 ILCS 415/9(7) and 20 ILCS 415/9(14)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21].
- 5) A Complete Description of the Subjects and Issues Involved: The reasons for the emergency are the combined September 29, 2019 effective date of the Equal Pay Act, PA 101-177 provisions, the collective bargaining agreements' fiscal year 2020 (FY2020) stipend and general increase provisions, and signed FY2020 budget and budget implementation bills including PAs 101-7 and 101-10. These legislative and contractual actions reflect the need to compensate State workers in order to retain and attract workers who provide vital services such as social services, child protection, and public safety across Illinois and oversee critical work within state government. Agencies have experienced the ongoing and increasing difficulty to retain merit compensation employees to perform this often-life-saving work. Further, the Equal Pay Act amendments underscore the public's interest in ensuring that employment and compensation decisions are not tainted by bias, implicit or otherwise. Because compensation is integral to the State's ability to retain and attract employees to provide for the safety and welfare of the public, it is in the State's best interest to immediately

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

undertake these steps. The signed FY2020 budget and budget implementation bills established enough funds to pay Merit Compensation employees a stipend and cost-of-living adjustment and increase the maximum salaries in Merit Compensation salary ranges during FY2020. During FY2020, signed collective bargaining agreements have provided employees represented by the bargaining units with a similar stipend and general increase. The Merit Compensation stipend, cost-of-living adjustment and increase to maximum salaries in Merit Compensation salary ranges reinforce the purpose of PA 101-177 in amending the Equal Pay Act. The Merit Compensation stipend, cost-of-living adjustment and increase to maximum salaries in Merit Compensation salary ranges maintains parity throughout the Pay Plan during FY2020.

Beyond the Merit Compensation stipend, cost-of-living adjustment and increase to the maximum salaries in Merit Compensation salary ranges, the Public Act imposes other amendments to the Pay Plan. The Governor signed House Bill 834, becoming PA 101-177, on July 31, 2019. That same day, the Department of Central Management Services' Senior Policy Advisor issued to personnel officers of the state agencies, boards and commissions a memorandum. The memorandum instituted pay policy changes and guidance for state agencies, boards and commissions effective immediately.

Where candidates are new to state government, state agencies, boards and commissions shall not seek, request or require a candidate's current wage or salary history. Agencies, boards and commissions shall not use a candidate's current wage or salary history to screen applicants or request or require current wage or salary history information as a condition for being considered for employment or for an offer of employment. Agencies, boards and commissions shall stop the verification of a candidate's current wage or salary history.

Each agency, board or commission shall identify any location (website, form or process) where current or past wage or salary is requested and remove the request no later than August 15, 2019. On and after August 30, 2019 for the position being filled, agencies, boards and commissions shall publish a position-specific "Anticipated Starting Salary". The anticipated starting salary is within the pay grade or salary range assigned to the classification title to which the position being filled is allocated and based on the value of the work to be performed in the position description. When valuing the work to be performed in the position description, agencies, boards and commissions shall consider questions based on the factors located in Sections 310.80(e) and 310.470. The factors are: is the valuation consistent with the treatment of other similar situations; is the valuation equitable in view of the particular circumstances; what are the staffing needs and requirements of the employing agency; and are there labor market influences on

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

recruitment for the classification or position. Some of the questions to be considered are: how are others in this title in the agency compensated; how many staff does the position supervise; what is the scope of the position's area of responsibility; is the position similar to positions at other agencies and if so, how are those employees compensated; what types of subordinates report to the position and how are they compensated; does this position require a license that is difficult to obtain; has the agency unsuccessfully attempted to fill the position and if so, how many times; and if the position has private sector counterparts, how are they compensated? This is a non-exhaustive list of factors and questions for agencies, boards and commissions to consider when developing an "Anticipated Starting Salary".

For a Trainee Program's classification title that is exclusively in the Merit Compensation system and with a specified targeted title and/or location, the in-hire rate shall be the anticipated starting salary and entrance base salary for each position in that Trainee program's classification title that is exclusively in the Merit Compensation system and with a specified targeted title and/or location.

For other than trainee classification titles where the candidate is new to state government and where the new-to-state-government candidate only meets the minimum of the classification requirements, the entrance base salary is the lowest salary in the anticipated starting salary range, the anticipated starting salary or the in-hire rate. Where the new-to-state-government candidate exceeds the minimum of the classification requirements, the entrance base salary is the in-hire rate, the anticipated starting salary, within the anticipated starting salary range or the rate resulting from a special salary request that is pre-approved by the Department of Central Management Services.

For other than Trainee classification titles where the current state government employee is a candidate for a position subject to the Personnel Code, if a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary that is not more than 5% above the candidate's current base salary. Any deviation from the 5% maximum is a special salary adjustment.

If a candidate inadvertently or voluntarily without prompting discloses their current or wage or salary history, including benefits or other compensation, the agency, board or commission shall not consider or rely on the information in a salary offer and shall disregard the information.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Specifically, in the table of contents, the heading for Section 310.550 is changed. "(Repealed)" is added to the end of the headings of Sections 310.560 and 310.570.

In Section 310.47 subsection (b), the agency head request for a merit compensation system only Trainee Program is added. In subsection (f), in-hire rates for trainee program titles are moved or added into a new sub-subsection (3) when the Trainee Program titles are exclusively within the Merit Compensation System.

In Section 310.50, the definition of "Anticipated Starting Salary" is added.

In Section 310.100 subsection (b), the determination of the entrance base salary is changed. In subsection (k), reinstatement is changed to in part reference the entrance base salary process changes.

In Section 310.260, a reference to where to locate in-hire rates assigned to Trainee Program classes is added.

In Section 310.460 subsection (a), the determination of a salary with a promotion is changed.

In Section 310.490 subsections (b) the determination of entrance base salary is changed. In subsection (l), reinstatement is changed in part reference the entrance base salary process changes.

In Section 310.500, the definition of "Anticipated Starting Salary" is added.

In Section 310.530 a new subsection (c) is added to incorporate a FY2020 stipend and cost-of-living adjustment in the Merit Compensation System implementation.

Section 310.550 is added. The new Section includes the eligibility for a merit compensation stipend and description of the merit compensation stipend, and the cost-of-living adjustment.

Section 310.560 is repealed.

Section 310.570 is repealed.

In Sections 310.Appendices D and G, the maximum base salary within each salary range is increased by five percent.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The PA 101-177 provisions effective date September 29, 2019, the collective bargaining agreements' fiscal year 2020 (FY2020) stipend and general increase provisions, and signed FY2020 budget and budget implementation bills including PAs 101-7 and 101-10.
- 7) Will this rulemaking replace an emergency rule currently in effect? Yes, the emergency rule is accompanying and identical to this proposed rule.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

Section Numbers:

310.260

310.410

310.APPENDIX A TABLE L

310.APPENDIX A TABLE S

310.APPENDIX A TABLE W

310.APPENDIX A TABLE X

310.APPENDIX D

Proposed Actions: *Illinois Register Citations:*

Amendment

Amendment

Amendment

Amendment

Amendment

Amendment

Amendment

43 Ill. Reg. 10527; September 27, 2019

- 11) Statement of Statewide Policy Objective: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Lisa Fendrich

Compensation Section

Division of Technical Services

Bureau of Personnel

Department of Central Management Services

504 William G. Stratton Building

Springfield IL 62706

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

217/782-7976  
fax: 217/524-4570  
CMS.PayPlan@Illinois.gov

- 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) Small Business Impact Analysis: Amendments to the Pay Plan have no impact on small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2019

The text of the Proposed Amendments is identical to the text of the Emergency Amendments on page 14216.

CHIEF PROCUREMENT OFFICER FOR  
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Chief Procurement Officer for Public Institutions of Higher Education Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 4
- 3) Section Number: 4.2020                      Proposed Action:  
Amendment
- 4) Statutory Authority: The Illinois Procurement Code [30 ILCS 500]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment clarifies the procedure for applying the CPI increase to the small purchase maximum threshold, clarifies the process for conducting small purchases and eliminates a university reporting requirement.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The Chief Procurement Office for Public Institutions of Higher Education relied on 30 ILCS 500/20-20 to compose the rulemaking. This Section authorizes the small purchase maximum to be modified by rule when recommended by the Procurement Policy Board. A copy of the Board's recommendation is available for review with the Chief Procurement Office for Public Institutions of Higher Education at 401 S. Spring, Room 520 Stratton Office Building, Springfield IL 62706.
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect or create or expand a State mandate under the State Mandates Act.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Chief Procurement Office for Public Institutions of Higher Education will consider all written comments it receives during the First Notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40]. Written

CHIEF PROCUREMENT OFFICER FOR  
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF PROPOSED AMENDMENT

comments may be submitted within 45 days after the date of publication in the *Illinois Register* to:

Ben Bagby  
Chief Procurement Officer  
Chief Procurement Office for Public Institutions of Higher Education  
401 S. Spring Street  
Room 520 Stratton Office Building  
Springfield IL 62706

217/720-1555  
ben.bagby@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: The proposed amendment will not have an adverse impact on small businesses as defined in Sections 1-75 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75]. These entities may, however, submit comments in writing to the Chief Procurement Office for Public Institutions of Higher Education at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as a small business as part of any written comments they submit to the Chief Procurement Office for Public Institutions of Higher Education.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2019

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

CHIEF PROCUREMENT OFFICER FOR  
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF PROPOSED AMENDMENT

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

SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS

CHAPTER II: CHIEF PROCUREMENT OFFICER FOR  
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

PART 4

CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF  
HIGHER EDUCATION STANDARD PROCUREMENT

SUBPART A: GENERAL

Section

- 4.1 Title
- 4.3 Authority
- 4.5 Policy
- 4.8 Implementation of This Part
- 4.9 Application
- 4.10 General Exemptions
- 4.13 Additional Exemptions Applicable to Higher Education
- 4.14 Certification, Hearing and Registration Waivers Applicable to Higher Education  
(Repealed)
- 4.15 Definition of Terms Used in This Part
- 4.25 Property Rights

SUBPART B: PROCUREMENT RULES, POLICIES AND PROCEDURES

Section

- 4.525 Rules
- 4.530 Policies and Procedures

SUBPART C: PROCUREMENT AUTHORITY

Section

- 4.1005 Procurement Authority
- 4.1010 Appointment of State Purchasing Officers (Repealed)
- 4.1011 Procurement Authority of the CPO (Repealed)
- 4.1030 Other Procurement Authority of the Universities (Repealed)

CHIEF PROCUREMENT OFFICER FOR  
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 4.1060 Delegation
- 4.1080 Illinois Mathematics and Science Academy

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

- Section
- 4.1501 Illinois Procurement Bulletin – Higher Education
- 4.1510 Publication of Higher Education Bulletin
- 4.1515 Registration
- 4.1525 Bulletin Content
- 4.1535 Vendor Portal
- 4.1545 Supplemental Notice (Repealed)
- 4.1550 Error in Notice
- 4.1560 Alternate and Supplemental Notice
- 4.1580 Direct Solicitation
- 4.1585 Notice Time
- 4.1595 Availability of Solicitation Document

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

- Section
- 4.2005 General Provisions
- 4.2010 Competitive Sealed Bidding
- 4.2012 Multi-Step Sealed Bidding
- 4.2013 Reverse Auctions
- 4.2015 Competitive Sealed Proposals
- 4.2020 Small Purchases
- 4.2025 Sole Source and Sole Economically Feasible Source Procurement
- 4.2030 Emergency Procurements
- 4.2033 Best Value Procurements
- 4.2035 Competitive Selection Procedures for Professional and Artistic Services
- 4.2036 Other Methods of Source Selection
- 4.2037 Tie Bids and Proposals
- 4.2038 Modification or Withdrawal of Bids or Proposals
- 4.2039 Mistakes
- 4.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

CHIEF PROCUREMENT OFFICER FOR  
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

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4.2043 Suppliers  
4.2044 Vendor List  
4.2045 Vendor Prequalification  
4.2046 Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

- Section  
4.2047 Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

- Section  
4.2050 Specifications and Samples

SUBPART I: CONTRACTS

- Section  
4.2055 Types of Contracts  
4.2060 Duration of Contracts – General  
4.2065 Cancellation of Contracts  
4.2067 Contract Amendments and Change Orders

SUBPART J: PROCUREMENT FILES

- Section  
4.2080 Public Procurement File  
4.2084 Record Retention  
4.2086 Contract Filing

SUBPART K: WORKING CONDITIONS

- Section  
4.2560 Prevailing Wage  
4.2565 Contracts Performed Outside the United States  
4.2570 Equal Employment Opportunity; Affirmative Action

CHIEF PROCUREMENT OFFICER FOR  
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF PROPOSED AMENDMENT

4.2580 Successor Contractor

SUBPART L: CONSTRUCTION AND  
CONSTRUCTION RELATED PROFESSIONAL SERVICES

Section

4.3005 Construction and Construction Related Professional Services

SUBPART M: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section

4.4005 Real Property Leases and Capital Improvement Leases  
4.4010 Authority  
4.4015 Method of Source Selection  
4.4020 RFI-RPL Process  
4.4025 Lease Requirements  
4.4030 Purchase Option  
4.4035 Rent Without Occupancy  
4.4040 Local Site Preferences  
4.4042 Historic Area Preference  
4.4044 Emergency Lease Procurement

SUBPART N: PREFERENCES

Section

4.4505 Procurement Preferences  
4.4510 Resident Bidder and Offeror Preference  
4.4515 Soybean Oil-Based Ink and Vegetable Oil-Based Ink  
4.4520 Recycled Supplies  
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4.4526 Environmentally Preferable Procurement  
4.4530 Correctional Industries  
4.4535 Qualified Not-for-Profit Agencies for Persons with Significant Disabilities  
4.4540 Gas Mileage, Flex-Fuel, Biodiesel and Hybrid Requirements  
4.4545 Small Businesses  
4.4550 Illinois Agricultural Products  
4.4555 Corn-Based Plastics  
4.4557 Veterans and Service-Disabled Veterans

CHIEF PROCUREMENT OFFICER FOR  
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 4.4570 Contracting with Businesses Owned and Controlled by Minorities, Women and Persons with Disabilities
- 4.4575 Domestic Products
- 4.4578 Bio-Based Products
- 4.4579 Notice of Preferences (Repealed)
- 4.4595 HUBZone Business Contracts

SUBPART O: ETHICS

- Section
- 4.5002 Continuing Disclosures; False Certification
- 4.5005 Bribery
- 4.5009 Felons
- 4.5010 Prohibited Bidders and Contractors
- 4.5011 Debt Delinquency
- 4.5012 Collection and Remittance of Illinois Use Tax
- 4.5013 Conflicts of Interest Prohibited by the Code
- 4.5014 Environmental Protection Act Violations
- 4.5015 Lead Poisoning Prevention Act Violations
- 4.5016 Negotiations for Future Employment
- 4.5017 Expatriated Entities
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- 4.5021 Bond Issuances
- 4.5023 Other Conflicts of Interest
- 4.5030 Revolving Door Prohibition
- 4.5035 Disclosure of Financial Interests and Potential Conflicts of Interest
- 4.5036 Disclosure of Business in Iran
- 4.5037 Vendor Registration, Certification and Prohibition on Political Contributions
- 4.5038 Lobbying Restrictions
- 4.5039 Procurement Communication Reporting Requirement
- 4.5040 Reporting and Anticompetitive Practices
- 4.5055 Supply Inventory
- 4.5080 Sexual Harassment Policy

SUBPART P: CONCESSIONS

- Section
- 4.5325 Concessions

CHIEF PROCUREMENT OFFICER FOR  
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SUBPART Q: JOINT AND COOPERATIVE PURCHASING

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4.5400	General
4.5420	Governmental Joint Purchasing
4.5422	Nongovernmental Joint Purchasing
4.5424	Group Purchasing Organizations
4.5426	Piggyback Contracts
4.5440	Other Joint Purchasing (Repealed)
4.5460	No Agency Relationship (Repealed)

SUBPART R: DISPUTES AND PROTESTS

Section	
4.5500	General
4.5550	Protests

SUBPART S: SUSPENSION AND DEBARMENT

Section	
4.5560	Suspension and Debarment

SUBPART T: VIOLATION OF STATUTE OR RULE

Section	
4.5620	Violation of Statute or Rule

SUBPART U: HEARING PROCEDURES

Section	
4.5700	General
4.5710	Informal Process
4.5720	Hearing Officers
4.5730	Notice of Hearing
4.5740	Written Comments and Oral Testimony
4.6500	General (Repealed)
4.6510	No Agency Relationship (Repealed)

CHIEF PROCUREMENT OFFICER FOR  
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF PROPOSED AMENDMENT

SUBPART V: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section

4.7000	Severability
4.7005	Supply Inventory (Repealed)
4.7010	University Furnished Property
4.7015	Inspections
4.7020	Taxes, Licenses, Assessments and Royalties
4.7030	No Waiver of Sovereign Immunity

AUTHORITY: Implementing and authorized by Section 5-25 of the Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 13905, effective July 1, 1998, for a maximum of 150 days; amended by emergency rulemaking at 22 Ill. Reg. 19096, effective October 1, 1998, for a period to expire November 27, 1998; adopted at 22 Ill. Reg. 20964, effective November 20, 1998; amended at 32 Ill. Reg. 16388, effective September 24, 2008; recodified, pursuant to PA 96-795, from 44 Ill. Adm. Code 526 to 44 Ill. Adm. Code 4 at 35 Ill. Reg. 10151; amended at 36 Ill. Reg. 10951, effective August 6, 2012; recodified Title heading at 39 Ill. Adm. Code 5903; amended at 40 Ill. Reg. 456, effective January 15, 2016; amended at 40 Ill. Reg. 11260, effective September 1, 2016; Subpart Q and R headers recodified at 42 Ill. Reg. 18550; amended at 43 Ill. Reg. 1781, effective February 15, 2019; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

**Section 4.2020 Small Purchases**

- a) ~~By August 1 of each year, each university shall prepare and submit to the CPO-HE for approval its small purchase procurement practices that will apply for the current fiscal year. Those practices-~~ When making a small purchase, the university shall ensure maximum reasonable competition and promote small businesses, diversity, transparency and other statutory policies. For all small purchases of \$20,000 or more, quotes must be sought from at least three multiple vendors whenever practical, be in writing, ~~promote small and diverse businesses,~~ and be maintained in the procurement file.

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- b) Small Purchase Threshold Application. ~~Purchases shall not be artificially divided so as to avoid a competitive procurement.~~
- 1) Individual procurements of \$100,000 or less for supplies or services, other than professional and artistic, may be made without the notice or level of competition otherwise required of competitive sealed solicitations.
  - 2) Procurements for construction and construction-related services of \$100,000 or less may be made without the notice or level of competition otherwise required of competitive sealed solicitations.
  - 3) Procurements of \$100,000 or less for professional and artistic services and that have a nonrenewable term of one year or less may be made without the prior notice or level of competition otherwise required of competitive sealed solicitations. Notice of award of these small professional and artistic service contracts must be published in the Bulletin within 14 days after contract execution, and shall include the name of the SPO, reason for the exception, description of the procurement, name of the university decision maker, contract reference number and contract price.
- c) Determination and Application of CPI ~~Determination of Small Purchase Status~~
- 1) Each April the CPO-HE will determine the CPI adjustment to the small purchase thresholds applicable to the next fiscal year. ~~In determining whether a contract is under the small purchase limit, the stated value of the supplies or services, plus any optional supplies and services, and the value of any renewals, determined in good faith, shall be utilized. Trade in value is not to be considered in determining whether a contract is under the small purchase limit. When the value is calculated month to month or in a similar fashion, the amount shall be calculated for a 12 month period.~~
  - 2) If the CPI is greater than zero, the thresholds identified in Section 20-20(a) of the Code will be reduced in an amount that, with the CPI increase, would result in the small purchase thresholds remaining as stated in subsection (b).
  - 3) By July 1, 2019 and every five years thereafter, the CPO-HE will review the small purchase thresholds to determine if a modification to the

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~~thresholds is needed. If a modification is needed, the CPO-HE shall consult with the Procurement Policy Board. If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not-to-exceed limit applicable to the type of procurement (see subsection (a)).~~

- 3) ~~If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the SPO determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the SPO must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.~~

d) Determination of Small Purchase Status~~Repetitive Need~~

~~If there is a repetitive need for small procurements of the same type (which may be evidenced by a pattern of small purchases, as determined by the university or the SPO), the university shall consult with the SPO to consider whether issuing a competitive sealed bid or proposal for procurement of those needs is in the best interests of the State.~~

- 1) In determining whether a contract is under the small purchase limit, the stated value of the supplies or services, plus any optional supplies and services, and the value of any renewals, determined in good faith, shall be utilized. Trade-in value is not to be considered in determining whether a contract is under the small purchase limit. When the value is calculated month-to-month or in a similar fashion, the amount shall be calculated for a 12 month period.
- 2) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not-to-exceed limit applicable to the type of procurement (see subsection (a)).
- 3) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the SPO determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the SPO shall follow the procedures for sole source or

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emergency procurement, whichever is applicable, to complete the contract.

- e) Purchases shall not be artificially divided so as to avoid a competitive procurement.
- f) Repetitive Need  
If there is a repetitive need for small procurements of the same type (which may be evidenced by a pattern of small purchases, as determined by the university or the SPO), the university shall consult with the SPO to consider whether issuing a competitive sealed bid or proposal for procurement of those needs is in the best interests of the State.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Employee Conflict of Interest
- 2) Code Citation: 89 III. Adm. Code 437
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
437.10	Amendment
437.20	Amendment
437.30	Amendment
437.40	Amendment
437.50	Amendment
437.60	Amendment
437.70	Amendment
437.80	Amendment
437.90	Amendment
- 4) Statutory Authority: 5 ILCS 420/Art. 4A; 20 ILCS 5/16; 20 ILCS 505/4; 30 ILCS 500; 5 ILCS 430
- 5) A Complete Description of the Subjects and Issues Involved: These revisions incorporate OIG recommendations, Executive Order 2018-12 "Eliminate Nepotism in State Government", DCFS Employee Hand Book and represents a complete review of The State Officials and Employees Ethics Act.

New definitions have been added to, including: Business relationship, Code of Ethics for Child Welfare Professionals, Conflict of Interest Committee, Familial relationship, Fiduciary duty, Gift, Member of the household and Secondary employment. Various other definitions were revised to reflect current practice. In addition, the following proposed changes were made:

- Department Statutory Responsibilities have been removed and new language has been added in that Section regarding the responsibilities of the DCFS Ethics Officer;
- Prohibition of employee conflicts of interest in relation to personal interest, improper influence, secondary employment, service on boards and committees, gift ban and disposition of gifts, when employees may not accept an honorarium for speeches, panel participation or written

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material, future remuneration or employment, economic and personal interest prohibited, and nepotism prohibited.

- Also, licensure restrictions on employees who own, operate or participate in the operations of a child care facility, when an employee or spouse seeks to become licensed as a foster family home or day care home and employees who seek to adopt or apply for adoption assistance;

Additional revisions were made to language dealing with Conflict Prohibitions Under the Illinois Procurement Code; Requirements of the Illinois Governmental Ethics Act; Prohibition of Employee Conflicts in the Placement and Care of Children; Requirements of the State Officials and Employees Ethics Act; and Employee Conflict of Interest Violations

- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand the 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: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Jeff Osowski  
Office of Child and Family Policy  
Department of Children and Family Services  
406 E. Monroe, Station #65  
Springfield IL 62701-1498

217/524-1983

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TDD: 217/524-3715  
fax: 217/557-0692  
e-mail: cfpolicy@illinois.gov

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: The rulemaking was not included on either of the 2 most recent regulatory agendas because the need for the rulemaking was not anticipated.

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

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## TITLE 89: SOCIAL SERVICES

## CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## SUBCHAPTER f: GENERAL ADMINISTRATION

## PART 437

EMPLOYEE ETHICS AND CONFLICT OF INTEREST

## Section

- 437.1 Purpose (Repealed)
- 437.2 Definitions (Repealed)
- 437.3 Department Statutory Responsibilities (Repealed)
- 437.4 Prohibition of Employee Interests Which May Influence the Department's Statutory Duties (Repealed)
- 437.5 Prohibition of Employee Interests Which May Influence the Department's Grant or Purchase of Service Programs (Repealed)
- 437.6 Prohibitions Under the Illinois Purchasing Act (Repealed)
- 437.7 Requirements of the Governmental Ethics Act (Repealed)
- 437.8 Prohibition of Employee Conflicts in the Care of Children (Repealed)
- 437.9 Violations of Part 437 (Repealed)
- 437.10 Purpose
- 437.20 Definitions
- 437.30 DCFS Ethics Officer~~Department Statutory Responsibilities~~
- 437.40 Prohibition of Employee Conflicts of Interest~~Interests and Conduct Creating Impropriety or the Appearance of Impropriety~~
- 437.50 Conflict Prohibitions Under the Illinois Procurement Code
- 437.60 Requirements of the Illinois Governmental Ethics Act
- 437.70 Prohibition of Employee Conflicts in the Placement and Care of Children
- 437.80 Requirements of the State Officials and Employees Ethics Act~~Executive Order #3 (1977)~~
- 437.90 Employee Conflict of Interest ~~Violations of Part 437~~

AUTHORITY: Implementing and authorized by Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420]; Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5]; Section 4 of the Children and Family Services Act [20 ILCS 505]; Article 50 of the Illinois Procurement Code [30 ILCS 500], and the State Officials and Employees Ethics Act [5 ILCS 430].

SOURCE: Adopted and codified at 5 Ill. Reg. 13139, effective November 30, 1981; amended at 7 Ill. Reg. 8520, effective July 22, 1983; amended at 9 Ill. Reg. 2661, effective March 1, 1985; amended at 13 Ill. Reg. 3339, effective March 1, 1989; amended at 19 Ill. Reg. 6311, effective

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May 1, 1995; emergency amendment at 21 Ill. Reg. 11593, effective August 15, 1997, for a maximum of 150 days; emergency amendment modified in response to JCAR Objection at 21 Ill. Reg. 14096; emergency expired January 12, 1998; amended at 22 Ill. Reg. 5484, effective March 16, 1998; amended at 22 Ill. Reg. 21306, effective December 15, 1998; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 437.10 Purpose**

The purpose of this Part is to define child welfare ethics and provide rules regarding ~~prohibit all~~ employee ~~conflicts of interest, impropriety and the appearance of any impropriety~~. This Part applies to the conduct of Department employees executing their employment duties, and employee ~~act~~conduct in relationship to any entity ~~that which~~ is licensed or regulated by the ~~Department of Children and Family Services~~ or ~~that which~~ provides services for the Department pursuant to a grant, contract, or purchase of service agreement from or with the Department ~~and families with whom the Department has adoption assistance agreements~~.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 437.20 Definitions**

"Act" means the State Officials and Employees Ethics Act [5 ILCS 430].

"Business relationship" means an association between individuals or companies, entered into for commercial purposes, and sometimes formalized with legal contracts or agreements. Many employees maintain a friendly business relationship with an extensive network of other executives, business people, and contractors that they can call upon for advice or for other business purposes.

"Child care facility," as used in this Part, means a "facility for child care" as defined by the Child Care Act of 1969 [225 ILCS 10/2.05], and includes any child care institution, child welfare agency, day care center, part-day child care facility, day care agency, group home, foster family home, day care home, group day care home, transitional or independent living arrangement, residential or youth emergency shelter. ~~The term "foster family home" includes the residences of related children placed by the Department and the residences of families that receive children for purposes of adoption. The term "foster family home" is further defined in Section 2.17 of the Child Care Act of 1969.~~

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"Code of Ethics for Child Welfare Professionals" means the ethics code that addresses business ethics, a code of professional practice, and an employee code of conduct.

"Conflict of interest" means an employee has a personal interest that could result in using his or her official position for private gain ~~(other than salary), giving~~ preferential treatment to any entity or person in the conduct of official duties because of personal interest, impeding or adversely affecting governmental efficiency or economy because of personal interest, failing to act impartially in the conduct of official duties because of personal interest, or engaging in conduct that could adversely affect the confidence of the public in the integrity of the Department of Children and Family Services. ~~The term also means that the circumstances are such that a reasonable person might conclude that an individual's judgement could be influenced by the nature of the circumstances or the individual(s) involved. Conflicts of interest may be actual or potential.~~

"Conflict of Interest Committee" is a group appointed by the Director that reviews issues, inquiries or concerns and provides assistance and guidance to DCFS employees regarding this Part.

"Decisionmaking~~Decision-making~~ function" or "decisionmaking~~decision-making~~ authority" means personal involvement in, or direct supervisory responsibility for, the formulation, monitoring or execution of a contract or grant. This includes, but is not limited to, preparation of contract or grant specifications, program plans and scopes of services, evaluation of bids or proposals, negotiation of contract or grant terms, evaluation of service delivery or the contract or grant deliverables, monitoring of services provided, evaluation of contract or grant performance, supervision of contract or grant performance, and providing input into whether a contract or grant should be approved, renewed or terminated. Decisionmaking function or decisionmaking authority also means that an individual's duties include, but are not limited to, the referral or transfer of any applicant for or client of Department services to a child care facility or other entity; the supervision, monitoring, licensing, or evaluation of a child care facility or other entity; or the decision whether to award or refuse to award a contract or grant to a child care facility or other entity.

*"Department" or "DCFS" means the Illinois Department of Children and Family Services. [225 ILCS 10/2.02]*

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"Director" means the Director of the Illinois Department of Children and Family Services.

"Economic interest" means any form of ownership, debt interest or contract whereby the individual may incur monetary gain or loss. The term does not include a contract for teaching services at a public or private college, community college or university.

"Employee" or "State employee" means an individual who, on a full-time or part-time basis, receives remuneration from the Department for services performed. For purposes of this Part, the term "employee" includes an individual who receives remuneration directly from the Department pursuant to a contract for personal services.

"Familial relationship" means two employees or an employee and a job applicant in the relationship of:

wife, husband, civil union partner, son, daughter, mother, father, sister, brother, nephew, niece, aunt, uncle, grandmother, grandfather, granddaughter, grandson, first cousin;

any of those relationships arising as a result of marriage or civil union, including father-in-law, mother-in-law, son-in-law, daughter-in-law, grandson-in-law, granddaughter-in-law, brother-in-law, sister-in-law, stepmother, stepfather, stepdaughter, stepson, stepsister, stepbrother, step-granddaughter, step-grandson, half-sister, half-brother; or

a legal dependent as claimed on the most recent federal income tax return.

"Fiduciary duty" means the obligation of all Department employees to act in the best interests of the client in the conduct of official business and fulfillment of the Department's statutory responsibilities. Fiduciary duty requires each employee to act in good faith without personal self-interest and with care, candor and loyalty in carrying out his or her duties on behalf of the Department.

"Foster family home", for the purpose of this Part, means a facility for child care in residences of families who receive no more than 8 children unrelated or related to them, unless all the children are of common parentage, or residences of

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relatives who receive no more than 8 related or unrelated children placed by the Department, unless the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis, except that the Director, pursuant to Department regulations, may waive the limit of 8 children unrelated to an adoptive family for good cause to facilitate an adoptive placement. The family's or relative's own children under 18 years of age shall be included in determining the maximum number of children served. [225 ILCS 10/2.17] The term "foster family home" also includes the residences of related children placed by the Department and the residences of families that receive children for purposes of adoption.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value, including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an employee, member or officer. [5 ILCS 430/1-5]

"Immediate family member" means any of the following relationships by blood, marriage, civil union or adoption: spouse~~wife, husband~~, son, daughter, mother, father, siblings~~sister~~, brother- or sister-in-law~~brother~~, or a legal dependent ~~as claimed on the most recent federal income tax return~~. For the purpose of this Part, this includes any youth-in-care residing at the residence.

"Member of the household" means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, receiving mail at the household address, or using identification with the household address. For the purpose of this Part, this includes any youth-in-care residing at the residence.

"Personal interest" means that one has the potential to gain or lose money, other consideration, gifts, favors, or preferential treatment for oneself or another, depending upon the outcome of a decision, review or other transaction.

"Personal relationship" means related by blood, marriage, civil union or adoption, or that one currently has or previously~~has~~ had a social, business or other relationship that has the potential to influence or affect one's objectivity or judgement. Personal relationship also includes a Department employee's association with a member of his or her household who is unrelated to the employee by blood, marriage, civil union or adoption, but whose association with

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the Department employee has the potential to influence or affect the employee's objectivity or judgment.

"Secondary employment" means any external employment or work activity, with a public or private entity, or self-employment that is in addition to an employee's position with the Department, even while on leave. Secondary employment includes, but is not limited to, working for another employer, self-employment, the private practice of any profession, occupation or trade, consulting services, being involved in a family business, volunteer work and teaching.

"Significant working relationship" means a relationship that involves direct or indirect supervision or shared work responsibility.

*"State agencies," as defined by the Illinois State Auditing Act [30 ILCS 5], means all officers, boards, commissions, and agencies created by the Constitution, whether in the executive, legislative or judicial branch, but other than the circuit court; all officers, departments, boards, commissions, agencies, institutions, authorities, universities, bodies politic and corporate of the State and administrative units or corporate outgrowths of State government which are created by or pursuant to statute, other than units of local government and their officers, school districts and boards of election commissioners; all administrative units and corporate outgrowths of the above and as may be created by executive order of the Governor.*

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 437.30 DCFS Ethics Officer~~Department Statutory Responsibilities~~**

The DCFS Ethics Officer:

- a) Acts as liaison between DCFS and the Office of the Executive Inspector General and the Executive Ethics Commission;
- b) Reviews statements of economic interest and disclosure forms of officers, senior employees, and contract monitors before they are filed with the Secretary of State;
- c) Provides guidance to DCFS employees on the interpretation and implementation of the State Officials and Employees Ethics Act and the Code of Ethics for Child Welfare Professionals. Guidance shall be based, whenever possible, upon legal

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precedent in court decisions and published opinions of the Executive Ethics Commission;

- d) Participates as a member of the DCFS Conflict of Interest Committee;
- e) Keeps abreast of executive orders and changes in law or statutes that could affect ethical duties or decisions; and
- f) Consults DCFS Conflict of Interest Committee as needed.

~~The Department of Children and Family Services has statutory responsibilities regarding minors adjudicated under the Juvenile Court Act of 1987 [705 ILCS 405]; minors placed with the Department through voluntary placement agreements with parents, guardians or custodians; minors placed with the Department through adoptive surrenders, or otherwise provided services in accordance with the Children and Family Services Act [20 ILCS 505]; the licensing of child care facilities under the Child Care Act of 1969 [225 ILCS 10]; and the operation of programs. These statutory duties include securing appropriate care for minors through foster care or purchase of service agreements with public or private agencies.~~

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 437.40 Prohibition of Employee Conflicts of Interest~~Interests and Conduct Creating Impropriety or the Appearance of Impropriety~~**

- a) Personal Interest
  - 1) No employee shall use his or her official position for private gain (~~other than salary~~), give preferential treatment to any person or entity in the conduct of official duties because of personal interest, impede or adversely affect governmental efficiency, investigation or economy because of personal interest, fail to act impartially in the conduct of official duties because of personal interest, or engage in conduct that could adversely affect the confidence of the public in the integrity of the Department ~~of Children and Family Services~~.
  - 2) Employees shall conduct official business impartially and with the object of fulfilling the Department's statutory responsibilities. No employee shall use his or her official position to benefit his or her economic, private or personal interests or to benefit the economic, private or personal interests

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of persons with whom he or she has a personal, familial or business relationship.

- 3) Employees shall use Department property and funds only for the purposes directed by, and in the manner specified or directed by, Department rules, policies and procedures. No Department employee shall engage in, or knowingly permit, the misuse of Department property or funds for personal gain or economic self-interest, or for the gain or economic interest of others with whom he or she has a personal, familial or business relationship.

b) Improper Influence

- 1b) No employee shall serve in any capacity with, or be employed on a full-time or part-time basis by, any child care facility ~~as defined in Section 437.20~~ or any entity that has a grant, contract or purchase of service agreement with the Department, to the extent that ~~thesueh~~ service or employment creates a conflict of interest, ~~as defined in Section 437.20~~. Foster family home and day care home licensees are exempt from this restriction.

- 2e) No employee shall act as a consultant, paid or unpaid, to any entity if ~~thatsueh~~ consultation enables the entity to meet Department licensing requirements, obtain a grant, contract, or purchase of service agreement with the Department, or secure Department approval for program or staffing, to the extent that ~~thesueh~~ consultation creates a conflict of interest as defined in ~~this PartSection 437.20~~.

c) Secondary Employment

- 1) An employee engaged in any secondary employment shall not permit that employment to interfere with his or her official duties, violate any provision of this Part or any other applicable rules, or use his or her relationship with the Department to obtain or promote his or her secondary employment.
- 2) An employee engaged in any secondary employment shall notify his or her supervisor, in writing, of his or her secondary employment. If the supervisor is unsure if there is a conflict of interest with the secondary

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employment, the supervisor shall consult with the Conflict of Interest Committee.

d) Service on Boards and Committees

1d) Any employee who serves on the board of directors or professional advisory committee, in either a paid or unpaid capacity, of any child care facility ~~as defined in Section 437.20~~ or any entity that has a grant, license, contract or purchase of service agreement with the Department shall immediately notify the DCFS Ethics Officer~~Director of the Department or designee~~. ~~After notifying the DCFS Ethics Officer, Such notification shall result in the employee shall refrain from not~~ being involved in any decisionmaking~~decision-making~~ function that impacts that child care facility or entity until approval from the DCFS Ethics Officer has been provided. ~~Service on a board of directors or professional advisory committee may result in a determination that such service presents an inherent conflict of interest and that the service must be terminated. Further, an employee receiving payment or reimbursement for travel expenses (transportation, lodging, per diem) related to serving on a board of directors or professional advisory committee shall report those payments or reimbursement to the Office of Internal Audits when the aggregate amount exceeds \$200 within a calendar year for service on a single board of directors or professional advisory committee. An employee appointed to a board of directors or professional advisory committee by the Director to meet the requirements of a statute or Executive Order is exempt from the provisions of this subsection.~~

2) Service on a board of directors or professional advisory committee may result in a determination that the service presents an inherent conflict of interest and that the service must be terminated. Further, an employee receiving payment or reimbursement for travel expenses (transportation, lodging, per diem) related to serving on a board of directors or professional advisory committee shall report those payments or reimbursement to the DCFS Ethics Officer when the aggregate amount exceeds the amount in the State Officials and Employees Ethics Act or any Executive Order (whichever is more stringent) within a calendar year for service on a single board of directors or professional advisory committee.

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- 3) An employee appointed to a board of directors or professional advisory committee by the Director to meet the requirements of a statute or Executive Order is exempt from the provisions of this subsection (d) with regard to that appointment.
- e) Gift Ban; Disposition of Gifts  
To prevent the inappropriate influence or the appearance of inappropriate influence over State employees, no State employee shall intentionally solicit or accept any gift from any person, entity or child care facility for the benefit of himself or herself or his or her spouse or immediate family members.
- 1) Persons from whom gifts may not be accepted include, but are not limited to, any person, entity or child care facility that, within the prior year, was or is:
- A) seeking a contract, grant or other award with or from the Department;
- B) licensed by, or is seeking to become licensed by, the Department;
- C) involved in a child protection investigation or safety plan; or
- D) receiving services funded by the Department, either for himself or herself or for a member of his or her immediate family.
- 2) The employee shall immediately report the receipt of any gift, including a gift to the employee's spouse or immediate family member, to the employee's direct supervisor and Regional Administrator, who must document the disposition of the gift as described in subsection (e)(3) and report it to the Ethics Officer.
- 3) Any payment, gift, favor or other consideration not authorized for acceptance in this subsection (e) shall be returned to the donor immediately in order to avoid violating this Part. An employee may otherwise give the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under section 501(c)(3) of the Internal Revenue Code. [5 ILCS 430/10-30]
- f) Honoraria

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- 1) No employee may accept an honorarium for speeches, panel participation or written materials when the employee is speaking or writing as a representative of the Department; the speaking or writing engagement occurs during the employee's scheduled work time (unless earned benefit time is used); or travel and related expenses are paid by the State.
- 2) An employee may accept a nominal token of appreciation or courtesy (such as a meal, floral arrangement, plaque, certificate, cup or similar item) for participating in a governmental, civic, professional, athletic or similar event. The value of the tokens accepted from a single source shall not exceed the annual amount allowed by the Act or Executive Order, whichever is more stringent. Excluded from this restriction is any certificate or award publicly presented in recognition of public service. Any employee receiving tokens that cause the employee to exceed the aggregate amount in the Act or Executive Order, regardless of source, during a single fiscal year shall notify the DCFS Ethics Officer, in writing, within 30 days after receiving the token or tokens that exceed the allowable limit. This written notification shall identify the items received, the dates the items were received, and the names of the donor organizations or individuals.
- g) Future Remuneration or Employment  
No employee shall participate personally or substantially in the award of a State contract or in a regulatory or licensing decision regarding an entity with which the employee has entered into any communications concerning a future job, contract for services, position or remuneration of any kind for the employee or a member of the employee's immediate family.
- h) Economic and Personal Interests Prohibited
  - 1) An employee must disclose to his or her direct supervisor, in a timely manner, any non-work relationship with a known DCFS client. The supervisor shall immediately review the conflict and determine whether to re-assign any casework responsibilities, and confer with the DCFS Ethics Officer and the Office of Employee Services regarding appropriate actions to be taken.

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- 2) No employee shall be involved in any decisionmaking function that impacts anyone with whom the employee has a personal relationship or an economic interest; a child care facility, or any entity that has a grant, license, contract, purchase of service agreement, or adoption assistance agreement with the Department in which the employee or anyone with whom the employee has a personal relationship has a personal or economic interest. When an employee, an immediate family member of an employee, or anyone with whom the employee has a personal relationship has an economic interest in a child care facility or other entity, and the employee is involved in any decisionmaking function that impacts that child care facility or other entity, the employee shall immediately notify the DCFS Ethics Officer. This notification shall result in the employee not being involved in any decisionmaking function that impacts that child care facility or other entity and may result in a determination that a conflict of interest is present that requires that the employee terminate his or her employment. In addition, no employee shall be involved in any decisionmaking function with respect to any entity with which the employee was employed or had a contractual relationship within the past 12 months.
- i) Nepotism Prohibited  
No employee shall participate in any way in the hiring, supervision (including temporary supervision), or evaluation of another employee with whom the employee has or acquires a familial relationship. For the purpose of this subsection, "supervision" includes anyone within the supervisory chain of command over the family member.
- 1) Employees with a familial relationship may not provide supervision to each other, but they are allowed to work in the same work location.
- 2) Any individual seeking employment, promotion, transfer, and/or any other action that modifies existing work conditions must identify to the DCFS Ethics Officer anyone with a familial relationship working for the Department in the same work location or within the chain of command at a different work location for which the individual is seeking consideration.
- 3) Denial of employment, promotion, transfer, and/or any other action that modifies existing work conditions will occur for any individual to a

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position in which supervision of someone in a familial relationship would exist.

- 4) Failure of an employee or applicant to disclose a familial relationship as defined in this Part may result in disciplinary action up to and including discharge.
- 5) Immediate relatives serving on DCFS-related boards or commissions shall not use or attempt to use influence toward the Department in order to gain favor for their respective family members.

j) Licensure Restrictions

- 1) Employees Who Own, Operate or Participate in the Operations of a Child Care Facility  
When an employee is the owner, director, officer or manager of an entity that seeks to become licensed as a child care facility, other than a foster family home or day care home, the study to determine compliance with licensing standards shall be provided by a Department region other than the region in which the individual is employed, and by employees who have no significant working relationship or personal relationship with the individual. If a license is granted, the employee must resign his or her employment before the facility commences any operations as a child care facility. For the first five years of operation, the child care facility shall be supervised, monitored, licensed and evaluated by a Department region other than the region in which the individual was previously employed, and by employees who had no significant working relationship with the individual while employed, and always by employees who have no personal relationship with the individual.
- 2) When an employee or spouse seeks to become licensed as a foster family home or day care home, the study to determine compliance with licensing standards shall be provided by an agency other than the Department and by persons who have no significant working relationship or personal relationship with the employee. If a foster family or day care home license is granted, the employee may continue his or her employment while operating the foster family home or day care home. The employee's or immediate family member's foster family home or day care home shall be supervised, monitored, licensed and evaluated by an agency other than the

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Department and by individuals who have no significant working relationship or personal relationship with the employee. The employee shall submit, in writing, a request for a determination from his or her immediate supervisors to make sure his or her official duties do not involve any interaction with the agency responsible for supervising, monitoring, licensing or evaluating the employee's foster family home or day care home. The immediate supervisor shall be responsible for ensuring that the employee's duties do not pose a conflict with the agency responsible for his or her license. If the employee or immediate family member seeks to apply for a license to operate a day care home, but there is no licensed child welfare or day care agency that processes day care home licenses within 50 miles of the employee's residence, the employee can submit a request, in writing, to the DCFS Ethics Officer seeking an exemption from the requirements of this subsection (j)(2), but only as the exemption pertains to day care homes.

- 3) Employees Who Seek to Adopt or Apply for Adoption Assistance  
When an employee or immediate family member seeks to adopt a child or apply for adoption assistance, the study to determine the appropriateness of the adoption or eligibility for adoption assistance shall be provided by an agency other than the Department, and by persons who have no significant working relationship or personal relationship with the employee. If the Department enters into an adoption assistance agreement with the employee and immediate family member, on-going maintenance of that agreement shall be by a Department region other than that in which the individual is employed, and by employees who have no significant working relationship with the employee involved.

- e) ~~An employee shall conduct official business impartially and with the object of fulfilling the statutory responsibilities of the Department. No employee shall use his or her official position to benefit the economic interest, private or personal interest of himself or herself or persons with whom he or she has a personal relationship.~~
- f) ~~No employee shall solicit or accept any payment, gift, favor, service, loan or entertainment or other consideration for themselves or others under circumstances that might reasonably be construed to influence the performance of his or her official duties.~~

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- ~~g) No employee shall solicit or accept any payment, gift, favor, service, discount, loan, entertainment or other consideration from any entity or child care facility as defined in Section 437.20 or any entity that has a grant, contract, or purchase of service agreement, or adoption assistance agreement with the Department over which the employee has decision-making authority.~~
- ~~h) No employee may accept an honorarium for speeches, panel participation or written materials when:~~
- ~~1) he or she is speaking or writing as a representative of the Department; or~~
  - ~~2) the speaking or writing engagement occurs during the employee's scheduled work time (unless earned benefit time is used); or~~
  - ~~3) travel and related expenses are paid by the State.~~
- ~~i) An employee may accept a nominal token of appreciation or courtesy (such as meals, floral arrangements, plaque, certificate, cup or similar item) for participating in a governmental, civic, professional, athletic or similar event. The value of the token(s) accepted from a single source shall not exceed \$50 per calendar year. Excluded from this restriction is any certificate or award publicly presented in recognition of public service. Any employee receiving such tokens that exceed \$200 in value in the aggregate regardless of source during a single fiscal year shall notify the Department's Office of Internal Audits within 30 days after receiving the token(s) that exceeds the allowable limit. Such notification shall be in writing and identify the items received, the dates the items were received, and the names of the donor organization(s) or individual(s).~~
- ~~j) Any payment, gift, favor or other consideration not authorized for acceptance by subsection (i) above shall be returned to the donor immediately.~~
- ~~k) No employee who has a contract for future employment or is negotiating concerning possible future employment with any child care facility, as defined in Section 437.20, or any entity that has a grant, contract or purchase of service agreement with the Department shall be involved in any decision-making function that impacts that facility or entity.~~
- ~~l) No employee shall be involved in any decision-making function that impacts any child care facility, as defined in Section 437.20, or any entity that has a grant,~~

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~~contract, purchase of service agreement or adoption assistance agreement with the Department in which the employee or any immediate family member of the employee has an economic interest. When an employee or an immediate family member of an employee has an economic interest in such a facility or entity, and the employee is involved in any decision-making function that impacts that child care facility or other entity, the employee shall immediately notify the Director of the Department or designee. Such notification shall result in the employee's not being involved in any decision-making function that impacts that child care facility or other entity, and may result in a determination that an inherent conflict of interest is present that requires that the employee terminate his or her employment.~~

- m) ~~No employee shall participate in any way in the hiring, supervision, or evaluation of any immediate family member as defined by this Part.~~
- n) ~~When an employee is the owner, director, officer, or manager of an entity that seeks to become licensed as a child care facility as defined in Section 437.20, other than a foster family home or day care home, the study to determine compliance with licensing standards shall be provided by a Department region other than that in which the individual is employed and by employees who have no significant working relationship or personal relationship with the individual. If such a license is granted, the employee must resign his or her employment before commencing any operations as such a child care facility. For the first five years of such operations, the child care facility shall be supervised, monitored, licensed, and evaluated by Department region other than that in which the individual was previously employed and by employees who had no significant working relationship with the individual while employed and always by employees who have no personal relationship with the individual.~~
- o) ~~When an employee or spouse seeks to become licensed as a foster family home or day care home, the study to determine compliance with licensing standards shall be provided by an agency other than the Department and by persons who have no significant working relationship or personal relationship with the employee. If such license is granted, the employee may continue his or her employment while operating the foster family home or day care home. The employee's or spouse's foster family home or day care home shall be supervised, monitored, licensed and evaluated by an agency other than the Department and by individuals who have no significant working relationship or personal relationship with the employee. The employee shall consult with appropriate supervisors to make sure his or her~~

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~~official duties do not involve any interaction with the agency responsible for supervising, monitoring, licensing, or evaluating the employee's foster family home or day care home. If the employee or spouse seeks to apply for a license to operate a day care home, but there is no licensed child welfare or day care agency that processes day care homes licenses within 50 miles of the employee's residence, the employee can submit a request in writing to the Office of Internal Audits seeking an exemption from the requirements of this subsection, but only as the exemption pertains to day care homes. For purposes of this subsection only, the term "employee" or "State employee" does not include licensed foster parents with whom the Department contracts to provide support services to other Department supervised foster parents.~~

- p) ~~When an employee or spouse seeks to adopt a child or apply for adoption assistance, the study to determine the appropriateness of the adoption or eligibility for adoption assistance shall be provided by an agency other than the Department and by persons who have no significant working relationship or personal relationship with the employee. If an adoption assistance agreement is entered into, on going maintenance of that agreement shall be by a Department region other than that in which the individual is employed and by employees who have no significant working relationship with the employee involved. Service responsibility for any employee currently involved in adopting a child or applying for or receiving adoption assistance shall be transferred by June 30, 1999 to a private agency or region other than that in which the individual is employed.~~
- q) ~~An employee who holds a valid license as a child care facility shall comply with the provisions of this Part immediately, except that, if necessary, transfer of the supervision, monitoring, licensing, and evaluation of a foster family home or day care home to an agency other than the Department shall be accomplished by January 15, 1999 or prior to the renewal of the license, whichever occurs first.~~
- r) ~~An employee called as a witness in a court proceeding or administrative hearing on the basis of his or her official position or knowledge as a Department employee may not accept payment for such an appearance. Any payment or fees received shall be made payable to the Treasurer, State of Illinois, and turned over to the immediate supervisor. An employee called as a witness in a court proceeding or administrative hearing shall notify his or her immediate supervisor. The supervisor shall review the appearance for possible conflict of interest, and, if necessary, shall seek the assistance of the Department's Office of Internal Audits in making a determination of whether a conflict exists.~~

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- s) ~~An employee who accepts secondary employment that might adversely affect, or give the appearance of affecting, his or her official duties or that might adversely affect public confidence in the integrity of the Department shall notify his or her immediate supervisor. The supervisor shall review the employment for possible conflict of interest, and, if necessary, shall seek the assistance of the Department's Office of Internal Audits in making a determination regarding whether a conflict exists. Any such employment must comply with the Illinois Procurement Code [30 ILCS 500]. (See Section 437.50.)~~
- t) ~~An employee engaged in any secondary employment shall not permit such employment to interfere with his or her official duties and shall not use his or her relationship with the Department to promote his or her secondary employment.~~
- u) ~~When an employee or any person with whom the employee has a personal relationship is the subject of an investigation or review conducted by the Office of Inspector General, Office of Internal Audits, child protection, licensing, or other Department unit, the employee shall not use his or her status as an employee to influence or interfere with the investigation or review. The employee shall not participate in any decision-making regarding the results of the investigation or review, and shall have access to the record(s) of the investigation or review only as authorized by applicable statute or regulation. When the employee normally has authority over the person or persons responsible for the investigation or review, responsibility for the investigation or review and decision-making shall be transferred to a person or entity with no apparent conflict of interest.~~

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 437.50 Conflict Prohibitions Under the Illinois Procurement Code**

- a) All employees of the State of Illinois must comply with the anti-conflicts requirements of the Illinois Procurement Code [30 ILCS 500/13a]. The Illinois Procurement Code prohibits anyone employed by the State of Illinois, or who is the spouse or minor child of a State employee, from acquiring any contract or any direct pecuniary interest in any contract that will be paid, in whole or in part, with funds appropriated by the Illinois General Assembly. ~~Employees who are receiving remuneration for services as State employees of the Department are subject to the provisions of the Illinois Procurement Code [30 ILCS 500]. Very generally, the Illinois Procurement Code prohibits certain contracts and economic~~

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~~interests of State employees, their spouses, and minor children. It also contains reporting requirements and exemption provisions. All State employees must comply with the provisions of the Illinois Procurement Code. State employees should, therefore, consult the Code to make sure that they are in compliance with it. If necessary, employees shall seek the assistance of the Department's Office of Internal Audits in making a determination of whether they are in compliance with the Code.~~

- b) Section 13(a) of the Illinois Procurement Code provides, with specific exceptions, that it is unlawful for any person holding an elective office in this State, holding a seat in the General Assembly, or appointed to or employed in any of the offices or agencies of State government and who receives compensation for that employment in excess of 60% of the salary of the Governor of the State of Illinois, or who is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority, or who is the spouse or minor child of any such person, to have or acquire any contract or any direct pecuniary interest in any contract therein, whether for stationery, printing, paper, or any services, materials, or supplies, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois or in any contract of the Capital Development Board or the Illinois Toll Highway Authority [30 ILCS 500/13a]. As a result, all employees of the Department should consult the Procurement Code to ensure that they are in compliance with its conflict of interest requirements. Employees may also seek the assistance of the DCFS Ethics Officer in evaluating specific circumstances to determine compliance. ~~Section 50-13 of the Illinois Procurement Code excludes from its conflict of interest provisions payments made to an employee, his or her spouse or minor child acting as a foster parent, homemaker, advocate, or volunteer for or in behalf of a child or family served by the Department. Also excluded are contracts for personal services as a teacher or school administrator at any school district, public community college district or State university.~~

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 437.60 Requirements of the Illinois Governmental Ethics Act**

- a) Employees who are receiving remuneration for services as State employees of the Department and who are identified~~required~~ by the Department as meeting the criteria set forth in Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420/Art. 4A] are required to file a yearly statement disclosing their economic

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interests. The Department Director's Office, in cooperation with the DCFS Ethics Officer and the Office of Employee Services, will contact employees instructing them to complete the Statement of Economic Interest when they:

- 1) *are, or function as, the head of a department, commission, board, division, bureau, authority or other administrative unit within the government of this State, or who exercise similar authority within the government of this State;*
  - 2) *have direct supervisory authority over, or direct responsibility for, the formulation, negotiation, issuance or execution of contracts entered into by the State in the amount of \$5,000 or more;*
  - 3) *have authority for the issuance or promulgation of rules and regulations within areas under the authority of the State;*
  - 4) *have authority for the approval of professional licenses;*
  - 5) *have responsibility with respect to the financial inspection of regulated nongovernmental entities;*
  - 6) *adjudicate, arbitrate, or decide any judicial or administrative proceeding, or review the adjudication, arbitration or decision of any judicial or administrative proceeding, within the authority of the State; or*
  - 7) *have supervisory responsibility for 20 or more employees of the State.*  
(Section 4A-101 of the Act)
- b) Employees affected by the Act will be notified by mail from the Secretary of State's Index Department regarding the requirement to file a Statement of Economic Interest. Any employee who is required to file a Statement of Economic Interest must timely submit his or her original, but fails to file the Statement to the DCFS Ethics Officer who by May 1 of each year, will then file it with the Secretary of State by the statutorily imposed due date ~~be subject to a \$15 late filing fee.~~ Any employee who fails to file his or her ~~the~~ Statement of Economic Interest with the DCFS Ethics Officer by the date required may be subject to discipline or other penalties for late filing. Employees whose forms are not filed timely with the Secretary of State will by May 15 shall be subject to fines imposed by a penalty of \$100 per day from May 16 to the date that the Statement

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~~is filed with the Secretary of State. This penalty is in addition to the \$15 late filing fee associated with the May 1 deadline. Failure to file may by May 31 of each year shall result in finest and penalties up to and including discharge ~~the forfeiture of employment.~~~~

- c) Any employee who willfully files a false or incomplete Statement of Economic Interest shall be guilty of a Class A misdemeanor.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 437.70 Prohibition of Employee Conflicts in the Placement and Care of Children**

- a) No employee shall take a child for whom the Department is legally responsible to the employee's residence, or in any way be involved in arranging or facilitating the transportation of such a child to the employee's residence, unless:
- 1a) the employee is a licensed foster parent or unlicensed relative caregiver and the child has been placed with the employee for foster care or adoption purposes. Placement of a child with an employee must be approved by the administrator responsible for the region; or the private agency administrator responsible for case management and documented in writing;
  - 2b) the ~~person~~person(s) responsible for the day to day care of the child has consented to the child's visit to the employee's residence or has authorized the employee to transport the child in-state, and the employee's supervisor has given prior written approval for this activity ~~and~~, (for purposes of transportation, the employee has a valid driver's license, insurance as required by law, and uses appropriate child safety restraint devices); ~~or~~
  - 3e) a child age 16 or over has been placed in a transitional or ~~an~~ independent living arrangement, supervised by a different employee or another agency, ~~and~~ the child is residing in an apartment or other separate unit of the building where the employee resides, and the employee's supervisor has given prior written approval for this activity; or
  - 4d) the administrator responsible for the region has approved the child staying overnight at the employee's residence because of inclement weather or other emergency. Verbal approval by the administrator must be confirmed

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in writing the next business day.

- b) If an employee believes that his or her professional involvement with a client may be compromised for any reason, the employee shall immediately seek direction from his or her immediate supervisor. Reassignment of the case may resolve the conflict of interest. Examples of professional involvement that may pose a conflict of interest include, but are not limited to, the existence of a social friendship between the employee and the client, hostile interaction between the employee and client, and personal bias or animus between the client and employee.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 437.80 Requirements of the State Officials and Employees Ethics Act~~Executive Order #3 (1977)~~**

- a) The Act is a comprehensive revision of State ethics laws intended to ensure that State officers and employees adhere to the highest ethical standards. The Act contains provisions regulating certain types of conduct by State employees, including but not limited to:
- 1) engaging in political activity and soliciting political contributions;
  - 2) making ex parte communications imparting information regarding regulatory, adjudicatory, investment or licensing matters;
  - 3) accepting gifts; and
  - 4) accepting subsequent employment ("revolving door").~~In addition to the requirements of the Illinois Governmental Ethics Act, certain employees in critical government positions are required to file a Statement of Personal Economic Disclosure. This is a requirement of Executive Order #3 (1977), "Personal Economic Disclosure." Staff included under Executive Order #3 are the following: appointed by the Governor; approve and certify vouchers, issuance of contracts, licensing, financial inspection of regulated private entities; staff in policy-making positions; or such other responsibilities determined to have potential conflict of interest.~~
- b) The Act also contains provisions protecting State employees from retaliation for

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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~~reporting misconduct. Employees should consult the Act for a comprehensive list of prohibited activities. In the event that the requirements in the Act are different from those of this Part, the more restrictive requirements shall apply. The Department's Office of Internal Audits contacts each employee subject to Executive Order #3 by memorandum instructing them to complete the attached Statement of Economic Interest that is attached to the memorandum and return it to the State Board of Ethics no later than April 30 of each year. Failure to file in a timely manner, or the willful making of a false, misleading, or incomplete Statement of Economic Interest or failure to cooperate with the State Board of Ethics shall be grounds for disciplinary action, including dismissal.~~

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 437.90 Employee Conflict of Interest Violations of Part 437**

- a) Strict compliance with all of the provisions of this Part is mandatory and any non-compliance may subject the employee to criminal penalties, ~~suspension, and/or discipline, up to and including termination of discharge from~~ employment.
- b) Any employee who has reasonable cause to believe that an employee is in violation of any of the provisions of this Part shall refer the matter to the Department's Office of ~~Inspector General~~ Internal Audits.
- c) The Department may require any employee who appears to be in violation of any of the provisions of this Part to document all of his or her actions undertaken in order to ~~determine compliance~~ comply with all of the provisions of this Part.
- d) Discipline imposed for violations of this Part will be based, in part, upon whether the employee:
  - 1) Used his or her official position for private gain (other than salary);
  - 2) Gave preferential treatment to any entity or person in the conduct of official duties because of a personal, familial or business interest or personal relationship;
  - 3) Impeded or adversely affected governmental efficiency or economy because of a personal, familial or business interest or personal relationship;

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- 4) Failed to act impartially in the conduct of official duties because of a personal, familial or business interest or personal relationship; or
- 5) Engaged in conduct that could be reasonably construed as adversely affecting~~ffect~~ the confidence of the public in the integrity of the Department ~~of Children and Family Services~~.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Public Water Supply Capacity
- 2) Code Citation: 35 Ill. Adm. Code 652
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
652.701	Repealed
652.702	Repealed
- 4) Statutory Authority: Implementing and authorized by Sections 4 (aa) and 14 through 19 of the Environmental Protection Act [415 ILCS 5/4 (aa); 415 ILCS 5/14-19].
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois EPA proposes to repeal Part 652 and replace with new rules in Part 652 pursuant to the Illinois Environmental Protection Act.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this repealer contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on the proposed rules may submit them in writing by no later than 45 days after publication of this Notice to:

Rex L. Gradeless  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield IL 62794-9276

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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217/782-5544  
Rex.Gradeless@Illinois.Gov

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Community water supplies may be affected by this rulemaking.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: This rulemaking will have no adverse impact on small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2019

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE F: PUBLIC WATER SUPPLIES  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 652  
PUBLIC WATER SUPPLY CAPACITY (REPEALED)

SUBPART A: CONSTRUCTION PERMITS

- Section
- 652.101 Construction Permit Requirements (Repealed)
  - 652.102 Submission of Plans and Specifications (Repealed)
  - 652.103 Preliminary Plans (Repealed)
  - 652.104 Supporting Data for Construction Permit Applications (Repealed)
  - 652.105 Plans – General Layout (Repealed)
  - 652.106 Specifications (Repealed)
  - 652.107 Revisions to Plan Documents (Repealed)
  - 652.108 Alterations (Repealed)
  - 652.109 Filing of Applications and Final Action by Agency (Repealed)
  - 652.110 Permit Application Review (Repealed)
  - 652.111 Standards for Issuance (Repealed)
  - 652.112 Duration of Permits (Repealed)
  - 652.113 Permit Limitations (Repealed)
  - 652.114 Right of Inspection (Repealed)

SUBPART B: OPERATING PERMITS

- Section
- 652.201 Operating Permit Requirements (Repealed)
  - 652.202 Certified Operator or Registered Person (Repealed)
  - 652.203 Projects Requiring Disinfection (Repealed)
  - 652.204 Projects Not Requiring Disinfection (Repealed)
  - 652.205 Partial Operating Permits (Repealed)

SUBPART C: EMERGENCY PERMITS

- Section
- 652.301 Permits Under Emergency Conditions (Repealed)

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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## SUBPART D: RESTRICTED STATUS AND CRITICAL REVIEW

Section	
652.401	Basis of Restricted Status and Critical Review (Repealed)
652.402	Notification of Restricted Status or Critical Review Status (Repealed)

## SUBPART E: ALGICIDE PERMITS

Section	
652.501	Algicide Permit Requirements (Repealed)
652.502	Permit Applications (Repealed)
652.503	Sampling (Repealed)

## SUBPART F: AQUATIC PESTICIDE PERMITS

Section	
652.601	Aquatic Pesticide Permit Requirements (Repealed)
652.602	Permit Application Contents (Repealed)
652.603	Permits Under Public Health Related Emergencies (Repealed)
652.604	State Agency Programs (Repealed)
652.605	Extension of Permit Duration (Repealed)

## SUBPART G: PUBLIC WATER SUPPLY CAPACITY

Section	
652.701	System Capacity
652.702	Supporting Data for Public Water Supply Capacity Demonstration

AUTHORITY: Implementing and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/Title IV].

SOURCE: Adopted December 30, 1974; amended at 2 Ill. Reg. 51, p. 219, effective December 17, 1978; rules repealed and new rules adopted and codified at 5 Ill. Reg. 2705, effective March 4, 1981; rules repealed and new rules adopted and codified at 8 Ill. Reg. 8455, effective June 5, 1984; amended at 23 Ill. Reg. 8989, effective July 29, 1999; amended at 38 Ill. Reg. 13876, effective June 30, 2014; amended at 41 Ill. Reg. 10462, effective July 28, 2017; repealed at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: CONSTRUCTION PERMITS

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED REPEALER

**Section 652.101 Construction Permit Requirements (Repealed)**

**Section 652.102 Submission of Plans and Specifications (Repealed)**

**Section 652.103 Preliminary Plans (Repealed)**

**Section 652.104 Supporting Data for Construction Permit Applications (Repealed)**

**Section 652.105 Plans – General Layout (Repealed)**

**Section 652.106 Specifications (Repealed)**

**Section 652.107 Revisions to Plan Documents (Repealed)**

**Section 652.108 Alterations (Repealed)**

**Section 652.109 Filing of Applications and Final Action by Agency (Repealed)**

**Section 652.110 Permit Application Review (Repealed)**

**Section 652.111 Standards for Issuance (Repealed)**

**Section 652.112 Duration of Permits (Repealed)**

**Section 652.113 Permit Limitations (Repealed)**

**Section 652.114 Right of Inspection (Repealed)**

## SUBPART B: OPERATING PERMITS

**Section 652.201 Operating Permit Requirements (Repealed)**

**Section 652.202 Certified Operator or Registered Person (Repealed)**

**Section 652.203 Projects Requiring Disinfection (Repealed)**

**Section 652.204 Projects Not Requiring Disinfection (Repealed)**

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

**Section 652.205 Partial Operating Permits (Repealed)**

SUBPART C: EMERGENCY PERMITS

**Section 652.301 Permits Under Emergency Conditions (Repealed)**

SUBPART D: RESTRICTED STATUS  
AND CRITICAL REVIEW

**Section 652.401 Basis of Restricted Status and Critical Review (Repealed)**

**Section 652.402 Notification of Restricted Status or Critical Review Status (Repealed)**

SUBPART E: ALGICIDE PERMITS

**Section 652.501 Algicide Permit Requirements (Repealed)**

**Section 652.502 Permit Applications (Repealed)**

**Section 652.503 Sampling (Repealed)**

SUBPART F: AQUATIC PESTICIDE PERMITS

**Section 652.601 Aquatic Pesticide Permit Requirements (Repealed)**

**Section 652.602 Permit Application Contents (Repealed)**

**Section 652.603 Permits Under Public Health Related Emergencies (Repealed)**

**Section 652.604 State Agency Programs (Repealed)**

**Section 652.605 Extension of Permit Duration (Repealed)**

SUBPART G: PUBLIC WATER SUPPLY CAPACITY

**Section 652.701 System Capacity**

Beginning after October 1, 1999, all new public water supplies must demonstrate technical, financial, and managerial capacity to ensure compliance with the applicable federal and State

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drinking water standards of 35 Ill. Adm. Code: Subtitle F, Chapters I and II. The owner of the public water supply is responsible for demonstrating and maintaining capacity. Technical, financial, and managerial capacity shall be based on the following criteria:

- a) "Technical capacity" means the physical and operational ability of a water system to achieve and maintain federal drinking water requirements and State drinking water requirements as described in the Act and 35 Ill. Adm. Code: Subtitle F, Chapters I and II. Technical capacity means the physical infrastructure of the water system and includes but is not limited to adequacy of source water and treatment, storage and distribution components, as well as the ability of system personnel to adequately operate and maintain the system.
- b) "Managerial capacity" means the ability of a water system to conduct its business in a manner that enables the system to achieve and maintain compliance with federal drinking water requirements and State drinking water requirements as described in the Act and 35 Ill. Adm. Code: Subtitle F, Chapters I and II. Managerial capacity includes the system's institutional and administrative capabilities, and is assessed using data documenting ownership accountability, staffing and organization, and effective external linkages with customers, external resource agencies, and regulators.
- c) "Financial capacity" means the ability of a water system to acquire and manage sufficient financial resources to enable the system to achieve and maintain compliance with federal drinking water requirements and State drinking water requirements as described in the Act and 35 Ill. Adm. Code: Subtitle F, Chapters I and II. Financial capacity includes revenue sufficiency, credit worthiness, and use of budgeting, accounting, and financial planning practices, as well as documentation of financial management through record keeping and revenue management.

**Section 652.702 Supporting Data for Public Water Supply Capacity Demonstration**

Each public water supply subject to the capacity requirements shall demonstrate technical capacity, managerial capacity, and financial capacity by submission of the following compliance records to the Agency.

- a) For technical capacity, each public water supply must demonstrate the following:
  - 1) compliance with the standards for design, construction, and operation of

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public water supplies as required by 35 Ill. Adm. Code 602 and 651 through 654;

- 2) selection of a source that is economically reasonable, reliable and adequate in quantity, and technically treatable to meet all proposed and existing State and federal drinking water standards, based upon an evaluation of potential sources of potable water;
  - 3) compliance with the ownership, certified operator, and responsible operator rules of 35 Ill. Adm. Code 603; and
  - 4) compliance with the applicable federal and State drinking water standards of 35 Ill. Adm. Code: Subtitle F, Chapters I and II.
- b) Each public water supply must demonstrate managerial capacity by providing the following:
- 1) an organizational chart of the system that identifies responsible personnel, including both management and operational personnel;
  - 2) an operational management plan that:
    - A) describes operating procedures;
    - B) identifies the personnel responsible for operation and management of the system;
    - C) includes a description of the process to be used to identify and implement changes to current procedures; and
    - D) identifies the process to be used to ensure that changes in responsible personnel are reported and implemented;
  - 3) an emergency management plan that includes:
    - A) identification of potential natural and human-caused risks to the water system;
    - B) identification of personnel responsible for response actions,

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notification procedures, and public/press relations; and

- C) measures for averting or avoiding emergencies and the means for implementing the emergency response plan; and
  - 4) a training plan that assures on-going training participation by all personnel.
- c) Each public water supply must demonstrate financial capacity by submitting the following:
- 1) a budget developed for a five year period that includes, at a minimum, revenue income, operating expenses, capitalization expenses, reserves, capital improvements, and an emergency reserve fund;
  - 2) a description of income, investment and disbursement procedures and fiscal management reports that ensure adequate fiscal management; and
  - 3) a financial plan that projects growth, potable water demands, and regulatory compliance.

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- 1) Heading of the Part: Community Water Supplies
- 2) Code Citation: 35 Ill. Adm. Code 652
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
652.100	New Section
652.110	New Section
652.120	New Section
652.130	New Section
652.200	New Section
652.210	New Section
652.220	New Section
652.300	New Section
652.310	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 4 (aa) and 14 through 19 of the Environmental Protection Act [415 ILCS 5/4 (aa); 415 ILCS 5/14-19].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rules specify electronic reporting requirements for community water supplies, provide for the prevention of environmental degradation that might occur when carrying out corrosion prevention and mitigation methods at community water supplies, and reaffirm existing rules on capacity development for community water supplies.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate under the State Mandates Act [30 ILCS 805].

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on the proposed rules may submit them in writing by no later than 45 days after publication of this Notice to:
- Rex L. Gradeless  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield IL 62794-9276
- 217/782-5544  
Rex.Gradeless@Illinois.Gov
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking may affect small privately-owned community water supplies.
- B) Reporting, bookkeeping or other procedures required for compliance: Reporting monitoring data and water distribution system material inventory must be submitted electronically unless a waiver is granted.
- C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: This rulemaking may affect small privately-owned community water supplies conducting corrosion prevention projects.
- A) Types of businesses subject to the proposed rule:
- 22 Utilities  
23 Construction
- B) Categories that the agency reasonably believes the rulemaking will impact, including:
- ii. regulatory requirements  
iii. equipment and material needs  
iv. record keeping

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15) Regulatory Agenda on which this rulemaking was summarized: January 2019

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

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE F: PUBLIC WATER SUPPLIES  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 652  
COMMUNITY WATER SUPPLIES

## SUBPART A: GENERAL

Section	
652.100	Purpose
652.110	Definitions
652.120	Electronic Reporting Requirements
652.130	Incorporation by Reference

## SUBPART B: CORROSION PREVENTION

Section	
652.200	Applicability
652.210	Corrosion Prevention Standards
652.220	Corrosion Prevention at Community Water Supplies

## SUBPART C: PUBLIC WATER SUPPLY CAPACITY

Section	
652.300	System Capacity
652.310	Supporting Data for Public Water Supply Capacity Demonstration

**AUTHORITY:** Implementing and authorized by Sections 4(aa) and 14 through 19 of the Environmental Protection Act [415 ILCS 5/4(aa) and 14 through 19].

**SOURCE:** Adopted December 30, 1974; amended at 2 Ill. Reg. 51, p. 219, effective December 17, 1978; rules repealed and new rules adopted and codified at 5 Ill. Reg. 2705, effective March 4, 1981; rules repealed and new rules adopted and codified at 8 Ill. Reg. 8455, effective June 5, 1984; amended at 23 Ill. Reg. 8989, effective July 29, 1999; amended at 38 Ill. Reg. 13876, effective June 30, 2014; amended at 41 Ill. Reg. 10462, effective July 28, 2017; former Part repealed at 44 Ill. Reg. \_\_\_\_\_ and new Part adopted at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL

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**Section 652.100 Purpose**

The purpose of this Part is to:

- a) specify electronic reporting requirements for community water supplies pursuant to Section 4(aa) of the Act;
- b) provide rules for the prevention of environmental degradation that might occur when carrying out corrosion prevention and mitigation methods under Section 14.7 of the Act; and
- c) provide capacity development requirements pursuant to Section 15 of the Act.

**Section 652.110 Definitions**

In addition to these definitions, all definitions of the Illinois Environmental Protection Act [415 ILCS 5] shall apply to this Part. For purposes of this Part:

"Act" means the Illinois Environmental Protection Act [415 ILCS 5].

"Agency" means the Environmental Protection Agency established by the Environmental Protection Act at 415 ILCS 5.

"Capacity" means the ability to plan for, achieve and maintain compliance with applicable drinking water standards. Capacity has three components: technical, managerial and financial. Adequate capability in all three areas is necessary for a system to have "capacity".

"Capacity development" is the process of water systems acquiring and maintaining adequate technical, managerial, and financial capabilities to consistently provide safe drinking water. The federal Safe Drinking Water Act amendments of 1996 (42 USC 300f et seq.) provide a framework for states and water systems to work together to ensure that systems acquire and maintain the technical, managerial and financial capacity needed to meet the Act's public health protection objectives. (See Section 652.300.)

*"Corrosion" means a naturally occurring phenomenon commonly defined as the deterioration of a metal that results from a chemical or electrochemical reaction with its environment.*

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*"Corrosion prevention and mitigation methods" means the preparation, application, installation, removal, or general maintenance as necessary of a protective coating system, including any or more of the following:*

*surface preparation and coating application on the exterior or interior of a community water supply; or*

*shop painting of structural steel fabricated for installation as part of a community water supply.*

*"Corrosion prevention project" means carrying out corrosion prevention and mitigation methods. Corrosion prevention project does not include clean-up related to surface preparation. [415 ILCS 5/14.7(b)]*

"Effective external linkage" is the ability of a water system to communicate and exchange information with water customers, regulators, technical and financial assistance organizations, and other entities that routinely interact with the water system.

"Infrastructure" means all mains, pipes including water service lines, and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended to be used for the purpose of furnishing water for drinking or general domestic use.

"New public water supply" means, beginning after October 1, 1999, all new community water supplies and new non-transient non-community water supplies and those water supplies that expand their infrastructure to serve or intend to serve at least 25 persons at least 60 days per year. Any water system not currently PWS that adds persons so that the total served is 25 persons or more without constructing additional infrastructure will become a PWS, but will not be required to demonstrate capacity under 35 Ill. Adm. Code 652.310 unless the PWS is on restricted status as required by 35 Ill. Adm. Code 602.106.

*"Protective coatings personnel" means personnel employed or retained by a contractor providing services covered by this Part to carry out corrosion prevention or mitigation methods or inspections. [415 ILCS 5/14.7(b)]*

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*"Public water supply" or "PWS" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or "a non-community water supply". [415 ILCS 5/3.365]*

*"Community water supply" means a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents. [415 ILCS 5/3.145]*

*"Non-community water supply" means a public water supply that is not a community water supply. The requirements of the Act shall not apply to non-community water supplies. [415 ILCS 5/3.145]*

*"Resident" means a person who dwells or has a place of abode which is occupied by that person for 60 days or more each calendar year. [415 ILCS 5/3.415]*

"State" means the State of Illinois.

"Water Service Lines" means any pipe from the water main or source of potable water supply that serves or is accessible to not more than one property, dwelling, or rental unit of the user. Each water service line must also meet the applicable requirements of 35 Ill. Adm. Code 651 through 654 and the applicable requirements of the Illinois Plumbing Code (77 Ill. Adm. Code 890).

**Section 652.120 Electronic Reporting Requirements**

- a) All community water supplies must submit the following information to the Agency electronically:
  - 1) monitoring data necessary to comply with the Safe Drinking Water Act and the National Primary Drinking Water Regulations in 40 CFR 141;

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- 2) the water distribution system material inventory pursuant to Section 17.11(c) of the Act.
- b) Any community water supply unable to submit the information specified in subsection (a) electronically may request an electronic submission waiver from the Agency. Any request for a waiver pursuant to this Section must be submitted 90 days before the information specified in subsection (a) is required to be submitted to the Agency. Each waiver granted by the Agency expires after 30 days after the information in subsection (a) is required to be submitted to the Agency.

**Section 652.130 Incorporation by Reference**

- a) Abbreviations and Short-name Listing of References. The following names and abbreviated names are used in this Section to refer to materials incorporated by reference:

"ANSI" means those standards published by American National Standards Institute (ANSI).

"AWWA" means those standards published by American Water Works Association.

"NSF" means those standards published by the National Sanitation Foundation International.

- b) The Agency incorporates the following materials by reference:

AWWA. American Water Works Association et al., 6666 West Quincy Ave., Denver CO 80235, (303)794-7711.

AWWA D103-09, Factory Coated Bolted Carbon Steel Tanks for Water Storage, approved January 25, 2009, effective November 1, 2009.

AWWA D107-10, Composite Elevated Tanks for Water Storage, approved January 17, 2010, effective December 1, 2010.

NSF. National Sanitation Foundation International, 3475 Plymouth Road, PO Box 130140, Ann Arbor MI 48113-0140, (734)769-8010.

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NSF/ANSI 60-2014 Drinking Water Treatment Chemicals – Health Effects, April 2014.

NSF/ANSI 61-2014 Drinking Water System Components – Health Effects, March 2014.

NSF/ANSI 372-2011 Drinking Water System Components – Lead Content, July 2013.

SSPC. The Society for Protective Coatings/NACE International Joint SSPC Standard/NACE Standard Practice. Industrial Coating and Lining Application Specialist Qualification and Certification. SSPC ACS-1/NACE No. 13, effective March 28, 2016.

- c) No later amendments to or editions of the materials listed in subsection (b) are incorporated.

## SUBPART B: CORROSION PREVENTION

**Section 652.200 Applicability**

- a) Except as provided in subsection (b), Subpart B applies only to community water supplies conducting corrosion prevention projects.
- b) Subpart B does not apply to:
- 1) *buried pipelines, including, but not limited to, pipes, mains, and joints; and*
  - 2) *routine maintenance activities of community water supplies, including, but not limited to, the use of protective coatings applied by the owner's utility personnel during the course of performing routine maintenance activities. Routine maintenance activities include, but are not limited to, the painting of fire hydrants; routine over-coat painting of interior and exterior building surfaces such as floors, doors, windows, and ceilings; and routine touch-up and over-coat application of protective coatings typically found on water utility pumps, pipes, tanks, and other water treatment plant appurtenances and utility owned structures. [415 ILCS 5/14.7]*

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**Section 652.210 Corrosion Prevention Standards**

The Agency identifies the following standards for corrosion prevention and mitigation, incorporated by reference in Section 652.130:

- a) AWWA D103-09, Factory Coated Bolted Carbon Steel Tanks for Water Storage;
- b) AWWA D107-10, Composite Elevated Tanks for Water Storage;
- c) NSF/ANSI 60-2014 Drinking Water Treatment Chemicals – Health Effects;
- d) NSF/ANSI 61-2014 Drinking Water System Components – Health Effects;
- e) NSF/ANSI 372-2011 Drinking Water System Components – Lead Content; and
- f) SSPC ACS-1/NACE No. 13 Industrial Coating and Lining Application Specialist Qualification and Certification.

**Section 652.220 Corrosion Prevention at Community Water Supplies**

- a) A community water supply must use *protective coatings personnel to carry out corrosion prevention and mitigation methods* on the following:
  - 1) *exposed water treatment tanks, exposed non-concrete water treatment structures, exposed water treatment pipe galleys;*
  - 2) *exposed pumps; and*
  - 3) *generators.* [415 ILCS 5/14.7(a)(2)(A)]
- b) A community water supply must use *inspectors to ensure that best practices and standards specified in Section 652.210 are adhered to on each corrosion prevention project* under this Part [415 ILCS 5/14.7(a)(2)(B)].

## SUBPART C: PUBLIC WATER SUPPLY CAPACITY

**Section 652.300 System Capacity**

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All new public water supplies must demonstrate technical, financial, and managerial capacity to ensure compliance with the applicable federal and State drinking water standards of 35 Ill. Adm. Code: Subtitle F. The owner of the public water supply is responsible for demonstrating and maintaining capacity. Technical, financial, and managerial capacity shall be based on the following criteria:

- a) "Technical capacity" means the physical and operational ability of a water system to achieve and maintain federal drinking water requirements and State drinking water requirements as described in the Act and 35 Ill. Adm. Code: Subtitle F. Technical capacity means the physical infrastructure of the water system and includes, but is not limited to, adequacy of source water and treatment, storage and distribution components, and the ability of system personnel to adequately operate and maintain the system.
- b) "Managerial capacity" means the ability of a water system to conduct its business in a manner that enables the system to achieve and maintain compliance with federal drinking water requirements and State drinking water requirements as described in the Act and 35 Ill. Adm. Code: Subtitle F. Managerial capacity includes the system's institutional and administrative capabilities, and is assessed using data documenting ownership accountability, staffing and organization, and effective external linkages with customers, external resource agencies, and regulators.
- c) "Financial capacity" means the ability of a water system to acquire and manage sufficient financial resources to enable the system to achieve and maintain compliance with federal drinking water requirements and State drinking water requirements as described in the Act and 35 Ill. Adm. Code: Subtitle F. Financial capacity includes revenue sufficiency, credit worthiness, and use of budgeting, accounting, and financial planning practices, as well as documentation of financial management through record keeping and revenue management.

**Section 652.310 Supporting Data for Public Water Supply Capacity Demonstration**

Each public water supply subject to the capacity requirements shall demonstrate technical capacity, managerial capacity, and financial capacity by submission of the following compliance records to the Agency.

- a) For technical capacity, each public water supply must demonstrate the following:

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- 1) compliance with the standards for design, construction, and operation of public water supplies as required by 35 Ill. Adm. Code 604;
  - 2) selection of a source that is economically reasonable, reliable and adequate in quantity, and technically treatable to meet all proposed and existing State and federal drinking water standards, based upon an evaluation of potential sources of potable water;
  - 3) compliance with the ownership, certified operator, and responsible operator rules of 35 Ill. Adm. Code 603 and 681; and
  - 4) compliance with the applicable federal and State drinking water standards of 35 Ill. Adm. Code: Subtitle F.
- b) Each public water supply must demonstrate managerial capacity by providing the following:
- 1) an organizational chart of the system that identifies responsible personnel, including both management and operational personnel;
  - 2) an operational management plan that:
    - A) describes operating procedures;
    - B) identifies the personnel responsible for operation and management of the system;
    - C) includes a description of the process to be used to identify and implement changes to current procedures; and
    - D) identifies the process to be used to ensure that changes in responsible personnel are reported and implemented;
  - 3) an emergency management plan that includes:
    - A) identification of potential natural and human-caused risks to the water system;

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- B) identification of personnel responsible for response actions, notification procedures, and public/press relations; and
  - C) measures for averting or avoiding emergencies and the means for implementing the emergency response plan; and
- 4) a training plan that assures on-going training participation by all personnel.
- c) Each public water supply must demonstrate financial capacity by submitting the following:
    - 1) a budget developed for a five-year period that includes, at a minimum, revenue income, operating expenses, capitalization expenses, reserves, capital improvements, and an emergency reserve fund;
    - 2) a description of income, investment and disbursement procedures and fiscal management reports that ensure adequate fiscal management; and
    - 3) a financial plan that projects growth, potable water demands, and regulatory compliance.

## ILLINOIS GUARDIANSHIP AND ADVOCACY COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Fee Schedule for the Office of State Guardian
- 2) Code Citation: 59 Ill. Adm. Code 301
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
301.10	Amendment
301.30	Amendment
301.50	Amendment
301.60	Amendment
- 4) Statutory Authority: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 3955] and Section 27-1 of the Probate Act of 1975 [755 ILCS 5/27-1].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking adjusts the rules for Office of State Guardian fees, including increasing fees, streamlining fees, and updating the procedure for changing the fee schedule.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed amendment will not affect any other unit of State or local government in Illinois.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments in writing within 45 days after publication to:

Kenya A. Jenkins-Wright  
General Counsel  
Guardianship and Advocacy Commission  
160 N. LaSalle, S-500

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Chicago IL 60601  
312/793-5900 or  
866/333-3362 (TTY)

- 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: No changes.
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: There is no impact to small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2019

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

## ILLINOIS GUARDIANSHIP AND ADVOCACY COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 59: MENTAL HEALTH  
CHAPTER III: GUARDIANSHIP AND ADVOCACY COMMISSIONPART 301  
FEE SCHEDULE FOR THE OFFICE OF STATE GUARDIAN

Section	
301.10	Authority and Purpose
301.20	Definitions
301.30	Assessment of Fees
301.40	Notice
301.50	Collection of Fees
301.60	Fee Schedules

**AUTHORITY:** Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 3955] and Section 27-1 of the Probate Act of 1975 [755 ILCS 5].

**SOURCE:** Adopted and codified at 6 Ill. Reg. 15019, effective November 24, 1982; amended at 7 Ill. Reg. 8528, effective July 6, 1983; amended at 14 Ill. Reg. 17964, effective November 15, 1990; amended at 24 Ill. Reg. 13016, effective August 21, 2000; amended at 36 Ill. Reg. 12090, effective August 1, 2012; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 301.10 Authority and Purpose**

- a) **Authority.** The Office of State Guardian exists as a division of the Guardianship and Advocacy Commission created by the Guardianship and Advocacy Act (GAC Act) [20 ILCS 3955] and shall serve as guardian of the person or estate, or both, for a ward when it has been appointed to do so by a court. The GAC Act further charges that the Commission shall evaluate a ward's ability to pay for guardianship services received and charge fees for those services. Section 27-1 of the Probate Act of 1975 [755 ILCS 5/~~27-1~~] permits a guardian to be awarded reasonable fees for services rendered pursuant to the guardianship appointment, upon approval of the court.
- b) **Purpose.** The purpose of this Part and its fee schedules is to establish the procedures to be used in assessing fees against a ward or a ward's estate. A one-time initial fee shall be assessed for the establishment of the guardianship case. Fees shall be assessed monthly for guardianship services. Additional fees shall be assessed for guardianship petitioning and the sale or management of real or

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personal property. ~~The Office of State Guardian shall not petition for fees if financial hardship to the ward would result.~~

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 301.30 Assessment of Fees**

## a) Assessment – In General

- 1) Except as provided in subsections (c) ~~and~~; (e) ~~and (f)~~, all wards with liquid assets on the date of the OSG's appointment shall be assessed a one-time case opening fee for establishment of the case by OSG. Rates are set forth in Section 301.60. ~~The rate of the case opening fee shall be \$300 when OSG serves as guardian of the person, \$500 when OSG serves as guardian of the estate, and \$1,000 when OSG serves as guardian of both the person and estate.~~ Case opening fees shall be assessed for each appointment, including a re-appointment as guardian for the same ward more than 6 months after the termination of a prior appointment, temporary or otherwise, involving similar powers and duties.
- 2) A monthly fee for guardianship services other than petitioning for appointment of guardians and sale or management of real or personal property shall be assessed against all wards with liquid assets on any day during the month, in accordance with the schedule set forth in Section 301.60. ~~The fee for the OSG's services as guardian of the person shall be \$150 per month. The fee for the OSG's services as guardian of the estate shall be a sliding scale rate up to a maximum of \$1,000 per month, based upon the highest value of the ward's liquid assets on any day during the month.~~ In addition, in all cases in which ~~where~~ OSG serves as representative payee under programs administered by the Social Security Administration, the Railroad Retirement Board, or similar programs, or serves as protective payee for the receipt of private pension funds, the fee for providing representative payee services shall be in accordance with Social Security Administration and Railroad Retirement Board regulations and/or guidelines.
- 3) Fees for guardianship petitioning services shall be assessed upon the entry of a court order finally disposing of the petition for appointment of a guardian, in accordance with the schedule set forth in Section 301.60.

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Guardianship petitioning fees shall be in addition to case opening fees, monthly guardianship services fees, and fees for the sale or management of real or personal property. ~~The rate for guardianship petitioning fees shall be \$500.~~

- 4) Fees for the sale of real or personal property shall be assessed when a sale is completed, or at the time of the final account. If no sale takes place during the OSG's term as guardian, fees for management of real or personal property shall be assessed at the time of the final account, in either case, in accordance with the fee schedule set forth in Section 301.60. Fees for the sale or management of a ward's property shall be in addition to case opening, monthly guardianship services, and guardianship petitioning fees, in accordance with the fee schedule in Section 301.60. ~~The rate for real property sale fees shall be \$1,000 at the time of the sale. The rate for real property management fees shall be determined using a sliding scale up to a maximum of \$1,000, based upon the value of the real property at the time of the annual or final account. The rate for personal property sale or management fees shall be determined using a sliding scale up to a maximum of \$700, based upon the value of the personal property at the time of the sale, or if the property is not sold, at the time of the final account.~~
  - 5) ~~No assessment of fees for guardianship services shall request an amount greater than that which has been established by the fee schedule in effect at the time the ward is provided notice of the assessment of fees.~~
  - 56) No fees for guardianship services shall be assessed on estates if OSG determines that financial hardship would result for the ward. OSG shall not petition for fees if it reasonably determines that financial hardship to the ward would result.
- b) Assessments – Valuation of Property. ~~When~~Where OSG seeks to assess fees for the management of property that is not sold during the course of administration of a ward's estate, the value of the property in question shall be estimated by any reasonable methods acceptable to the court. Unless specifically ordered by the court to do so, OSG shall not retain an appraiser at estate expense to establish the value of a ward's property if the appraisal is not otherwise required for responsible management of the estate.

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- c) Assessments – Court Approval. All fee assessments made by OSG shall be subject to court approval.
- d) Assessments – On Exhausted Estates
- 1) In estates that may be exhausted by existing claims, ~~OSG~~the Office of State Guardian may petition for its fees in spite of the fact that the granting of these fees by the court might result in some or all of these claims going totally or partially unpaid.
  - 2) Proper notice of the petition for fees shall be mailed to each known claimant before the hearing is to take place.
- e) Assessments – On Entitlements. Fees shall not be assessed on income or support derived from Medicaid or TANF. Income or support derived from Social Security and Medicare shall be subject to OSG fee assessment unless the funds have been expressly earmarked for another purpose.
- ~~f) Assessments – Hardship and Waiver. No fees shall be assessed if financial hardship to the ward would result. Guardianship fees will be terminated in the month following the death of the ward.~~

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 301.50 Collection of Fees**

- a) Pay Collection and Liability for Payment – In General. Office of State Guardian shall take reasonable steps to collect fees from parties holding estate funds when fees have been assessed. Liability for fee payment shall be limited to the ward's estate.
- b) Collection of Case Opening Fees. Case opening fees shall be collected by OSG upon the entry of the court's order approving its petition for fees.
- c) Collection of Monthly Guardianship Fees. Monthly fees shall be collected by OSG on a regular basis at the time the fees are assessed, after entry of an order appointing ~~OSG~~Office of State Guardian but only ~~when~~where prior court approval has been obtained to collect the fee on an ongoing basis. Court approval should be obtained at the earliest reasonable opportunity.

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- d) Collection of Monthly Representative Payee Fees. In all cases which OSG serves as representative payee under programs administered by the Social Security Administration, the Railroad Retirement Board, or similar programs, or serves as protective payee for the receipt of private pension funds, the fee for providing representative payee services shall be in accordance with Social Security Administration and Railroad Retirement Board regulations.
- ~~ed~~) Collection of Fees For Guardianship Petitioning. Fees for guardianship petitioning shall be collected after the entry of the order appointing the guardian or other final disposition of the petition, or at the time of the next or final account.
- ~~fe~~) Collection of Fees for ~~Sale or~~ Management of Property. Fees for the ~~sale or~~ management of a ward's real ~~or personal~~ property shall be incurred collected after the sale is completed, or at the time of the next or final account.
- ~~g~~) Collection of Fees for the Sale of Property. Fees for the sale of a ward's real or personal property shall be collected after the sale is completed.
- ~~hf~~) Collection of Fees for Preparation and Filing of State or Federal Income Tax Returns. Fees for the preparation and filing of a ward's State or federal income tax return shall be assessed at the time of filing of the tax return, for each tax year in which a return is filed, and collected after the tax return is prepared and when ~~prior~~ court approval has been obtained to collect the fee. Court approval should be obtained at the earliest reasonable opportunity.
- ~~ig~~) Collection of Fees for the Settlement of a Personal Injury Cause of Action. Fees for the settlement of a ward's personal injury cause of action shall be collected at the time of the approval of the settlement by the probate court.
- ~~jh~~) Collection of Fees for the Establishment of a Recognized Trust for the Purpose of Protecting or Conserving the Ward's Financial Estate. Fees for establishing a recognized trust for the purpose of conserving a ward's guardianship estate or protecting the ward's assets, and for petitioning the court for the approval of the trust, shall be collected at the time of the approval of the establishment of the trust by the probate court.
- ~~ki~~) Collection – Hardship and Waiver. No fees shall be collected if financial hardship to the ward would result. OSG~~The Office of State Guardian~~ may waive

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or reduce fees assessed if the costs of collection would far exceed the fees due.

- lj) Collection – Impact on Creditors. ~~OSG~~~~The Office of State Guardian~~ may collect fees even when claims of creditors of the ward may be compromised, so long as no financial hardship to the ward or the ward's dependents would result.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 301.60 Fee Schedules**

- a) Statutory Authority for Assessment of Fees. The Commission, under Section ~~5(i)705(i)~~ of the GAC Act, is given the power to collect fees for its legal and guardianship services.
- b) Procedure for Changing Fee Schedule. The following fees constitute a base rate as of July 1, 2020. The fees included in this schedule shall automatically increase on the first day of each State fiscal year thereafter in accordance with the increase, if any, in the consumer price index (urban consumers, Chicago Metro Area, as published by the Bureau of Labor Statistics <https://www.bls.gov/cpi/regional-resources.htm>), but in no event more than 5% per year. Any changes in the fees based on CPI changes will be reflected in the Part and will be made available to the public by GAC~~No changes will be made in this fee schedule without prior approval by the Commission and submission of its revision pursuant to the Illinois Administrative Procedure Act [5 ILCS 100].~~
- c) Schedule for the Assessment of One-Time Case Opening Fees
 

1) Guardianship of the Person	\$ <del>500</del> <del>300</del>
2) Guardianship of the Estate	\$ <del>750</del> <del>500</del>
3) Guardianship of the Person and Estate	\$1000
- d) Schedule for the Assessment of Monthly Guardianship Services Fees
 

1) Person Cases	\$ <del>250</del> <del>150</del>
2) Estate Cases:	

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Total Value of Liquid Assets	Monthly Fee
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\$24,999 and below	\$ <del>300</del> 200
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<u>\$25,000 and above</u>	<u>Usual, customary and reasonable fees, for public or appointed guardians in the county where the case is filed</u>
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<del>25,000 – 49,999</del>	300
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<del>50,000 – 99,999</del>	400
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<del>100,000 – 249,999</del>	500
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<del>250,000 and above</del>	1,000
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3) Representative Payee Cases  
 The monthly fee will be in compliance with current ~~Social Security~~social security and ~~Railroad Retirement~~railroad retirement regulations and/or guidelines.

e) Assessment of Guardianship Petitioning Fees \$500

f) Real and Personal Property

1) Assessment of Fees for the Sale of Real Property \$1,000

2) Assessment of Fees for the Management of real property~~Real Property~~, for property not sold, Property Not Sold~~shall be limited to costs incurred.~~

<del>Net Sale Value of Property or Estimated Value</del>	Fee Amount
<del>\$ 5,000 – 9,999</del>	\$ 250
<del>10,000 – 19,999</del>	300
<del>20,000 – 29,999</del>	350
<del>30,000 – 39,999</del>	400
<del>40,000 – 49,999</del>	450

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<del>50,000 – 59,999</del>	<del>500</del>
<del>60,000 – 69,999</del>	<del>600</del>
<del>70,000 – 79,999</del>	<del>700</del>
<del>80,000 – 89,999</del>	<del>800</del>
<del>90,000 – 99,999</del>	<del>900</del>
<del>100,000 and above</del>	<del>1,000</del>

3g) Schedule for the Assessment of Fees for the Sale of Personal Property

Net Sale Value of Property or Estimated Value	Fee Amount
\$3,000 – 9,999	\$150
<u>10,000 or above</u>	<u>2% of the net sale value of property</u>
<del>10,000 – 19,999</del>	<del>200</del>
<del>20,000 – 29,999</del>	<del>250</del>
<del>30,000 – 39,999</del>	<del>300</del>
<del>40,000 – 49,999</del>	<del>350</del>
<del>50,000 – 59,999</del>	<del>400</del>
<del>60,000 – 69,999</del>	<del>450</del>
<del>70,000 – 79,999</del>	<del>500</del>
<del>80,000 – 89,999</del>	<del>550</del>
<del>90,000 – 99,999</del>	<del>600</del>
<del>100,000 and above</del>	<del>700</del>

gh) Schedule for the Preparation and Filing of State or Federal Income Tax Returns

- 1) For each federal Income Tax return filed \$100
- 2) For each state Income Tax return filed \$50

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hi) Schedule for the Settlement of a Personal Injury Cause of Action

For each personal injury cause of action  
approved by the probate court \$500

ij) Schedule for the Establishment of a Recognized Trust for the Purpose of  
Protecting or Conserving the Ward's Financial Estate and Petitioning the Court for  
Establishment of the Trust

For each trust approved by the  
probate court \$500

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Procedural Rules
- 2) Code Citation: 56 Ill. Adm. Code 5300
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
5300.40	Amendment
5300.410	Amendment
5300.430	Amendment
5300.440	Amendment
5300.450	Amendment
5300.460	Amendment
5300.660	Amendment
5300.1200	New Section
5300.1205	New Section
5300.1300	New Section
5300.1305	New Section
5300.1310	New Section
5300.1315	New Section
5300.1320	New Section
5300.1325	New Section
5300.1330	New Section
5300.1335	New Section
5300.1340	New Section
5300.1400	New Section
5300.1405	New Section
5300.1410	New Section
- 4) Statutory Authority: Authorized by Section 5/8-102(E) and Section 5/8-101(C)(3) of the Illinois Human Rights Act [775 ILCS 5/8-102(E)].
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to PA 96-876 effective 02/02/10, clarifies a respondent's rights upon receipt of a notice of default issued by the Department, explains the rights of the Complainant after the Commission grants a Petition for Default, expands the timeline for complainant to request the Commission review a notice of dismissal of a charge issued by the Department, limit the number of pages for Request for Review. Pursuant to PA 100-1066, eff. 8-24-18, clarifies the duties and responsibilities of the members of the Commission, clarifies the rights of the respondent on the charge, in the case of dismissal, or the complainant, in the case of default, to file a response to the request for review.

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Evelio Mora  
Assistant General Counsel  
Human Rights Commission  
100 W. Randolph St., Ste. 5-100  
Chicago IL 60601

312/814-6269 or  
312/814-4760 (TDD)
- 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) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2019

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

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TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER XI: HUMAN RIGHTS COMMISSION

PART 5300  
PROCEDURAL RULES

SUBPART A: INTERPRETATIONS

Section	
5300.10	Definition of Terms
5300.20	Computation of Time
5300.30	Service of Pleadings
5300.40	Filing
5300.50	Separability

SUBPART B: RECORDS AND WITNESSES

Section	
5300.210	Subpoenas
5300.220	Access to Commission Records

SUBPART C: SETTLEMENTS

Section	
5300.310	Settlement Agreements
5300.320	Consideration by Commission
5300.330	Non-Compliance

SUBPART D: REQUEST FOR REVIEW

Section	
5300.400	Applicability of the Subpart
5300.410	Filing with Commission
5300.420	Notice by Commission
5300.430	Response by Department
5300.440	Reply to Response
5300.450	Extensions of Time
5300.460	Consideration of Request for Review
5300.470	Additional Information or Referral for Hearing

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## NOTICE OF PROPOSED AMENDMENTS

- 5300.480 Decision
- 5300.490 Tolling of Time Period (Repealed)
- 5300.495 Pending Requests

## SUBPART E: HEARINGS

## Section

- 5300.510 General
- 5300.515 Election to Proceed Under the Alternative Hearing Procedure
- 5300.520 Conduct of Hearing
- 5300.530 Powers and Duties of Administrative Law Judge
- 5300.540 Ex Parte Communications
- 5300.550 Form of Pleadings and Other Papers (Repealed)
- 5300.560 Appearances
- 5300.570 Place and Manner of Filing Papers (Repealed)

## SUBPART F: COMPLAINT AND ANSWER

## Section

- 5300.610 Filing of Complaint
- 5300.620 Service of Complaint
- 5300.625 Elections in Real Estate Transaction Cases
- 5300.630 Notice of Hearing
- 5300.640 Answer
- 5300.650 Amendments to Pleadings
- 5300.660 Substitution and Addition of Parties

## SUBPART G: DISCOVERY AND PRACTICE

## Section

- 5300.710 Prehearing Memorandum
- 5300.715 Discovery for Alternative Hearing Procedure Matters
- 5300.720 Discovery
- 5300.725 Filing of Disclosure Information and Discovery Material
- 5300.730 Motions and Objections
- 5300.735 Summary Decision
- 5300.740 Interlocutory Appeals
- 5300.745 Admission of Fact or of Genuineness of Documents
- 5300.750 Hearing Procedures

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5300.760	Preparation of Recommended Order and Decision
5300.762	Preparation and Issuance of Final Order in Alternative Hearing Procedure Proceedings
5300.765	Petitions for Fees and/or Costs
5300.770	Settlement (Repealed)
5300.780	Voluntary Dismissal
5300.782	Authority for Sections 5300.783-5300.787 (Repealed)
5300.783	Fees and Costs (Repealed)
5300.784	Motion for Fees or Costs (Repealed)
5300.785	Responses to Motions for Fees or Costs (Repealed)
5300.786	Extensions of Time (Repealed)
5300.787	Supplemented Record (Repealed)

## SUBPART H: PRACTICE IN FRONT OF THE COMMISSION

## Section

5300.805	Scope of Motion Practice
5300.810	Recommended Order Not Final (Renumbered)
5300.815	Form of Motions and Objections
5300.820	Exceptions to Recommended Order (Renumbered)
5300.825	Presentation of Motions
5300.830	Responses to Exceptions (Renumbered)
5300.835	Emergency Motions
5300.840	Extensions of Time (Renumbered)
5300.845	Agreed Motions and Orders
5300.850	Oral Argument (Renumbered)
5300.855	Extension of Time
5300.860	Form of Pleadings and Other Papers (Renumbered)
5300.865	Style of Documents for Commission Consideration
5300.870	Ex Parte Communications (Renumbered)
5300.880	Brief by Department (Renumbered)

## SUBPART I: REVIEW OF RECOMMENDED ORDER AND DECISION

## Section

5300.910	Finality of Recommended Order
5300.920	Exceptions to Recommended Order
5300.930	Responses to Exceptions
5300.940	Extensions of Time

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5300.945	Acceptance of the Recommended Order for Review
5300.950	Oral Argument
5300.960	Form of Pleadings and Other Papers
5300.970	Ex Parte Communications
5300.980	Brief by Department

## SUBPART J: REMANDMENT

Section	
5300.1010	Request to Present Additional Evidence
5300.1020	Motion for Rehearing Before an Administrative Law Judge
5300.1030	Remandment on the Commission's Own Motion
5300.1040	Remand Proceedings
5300.1050	Rehearing Before Full Commission (Renumbered)
5300.1060	Modification of Commission Order (Renumbered)

## SUBPART K: ORDER AND DECISION OF THE COMMISSION

Section	
5300.1110	Commissioners Participating
5300.1120	Standard of Review
5300.1130	Proposal for Decision
5300.1140	Order and Decision
5300.1145	Interest
5300.1150	Rehearing Before Full Commission
5300.1160	Modification of Commission Order
5300.1170	Interlocutory Appeals

SUBPART L: ACCESSIBILITY OF HUMAN RIGHTS COMMISSION MEETINGS

<u>Section</u>	
<u>5300.1200</u>	<u>Public Comment</u>
<u>5300.1205</u>	<u>Recording of Human Rights Commission Meetings</u>

SUBPART M: MEMBERS OF THE COMMISSION

<u>Section</u>	
<u>5300.1300</u>	<u>General Duties and Responsibilities of the Chair</u>
<u>5300.1305</u>	<u>General Duties and Responsibilities of the Vice-Chair</u>

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<a href="#">5300.1310</a>	<a href="#">Ethics Officer</a>
<a href="#">5300.1315</a>	<a href="#">Oath of Public Office</a>
<a href="#">5300.1320</a>	<a href="#">Regular Meetings</a>
<a href="#">5300.1325</a>	<a href="#">Cancellation of Meetings</a>
<a href="#">5300.1330</a>	<a href="#">Commission Code of Ethics</a>
<a href="#">5300.1335</a>	<a href="#">Attendance Requirements</a>
<a href="#">5300.1340</a>	<a href="#">Disqualification of Commissioner</a>

SUBPART N: COMMISSION STAFF

<u>Section</u>	
<a href="#">5300.1400</a>	<a href="#">Code of Ethics</a>
<a href="#">5300.1405</a>	<a href="#">Disqualification of Staff Attorneys</a>
<a href="#">5300.1410</a>	<a href="#">Assignment of Request for Review</a>

**AUTHORITY:** Authorized by Sections 8-102(E) and 8-101(C)(3) of the Illinois Human Rights Act [775 ILCS 5] and the Open Meetings Act [5 ILCS 120].

**SOURCE:** Filed November 15, 1975 by the Fair Employment Practices Commission; emergency amendment at 2 Ill. Reg. 12, p. 11, effective March 24, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 9, p. 40, effective March 1, 1979; amended at 3 Ill. Reg. 15, p. 100, effective April 9, 1979; transferred to the Human Rights Commission by the Illinois Human Rights Act, effective July 1, 1980; emergency amendment at 4 Ill. Reg. 39, p. 334, effective September 17, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 2709, effective March 2, 1981; amended at 7 Ill. Reg. 9298, effective July 25, 1983; codified at 8 Ill. Reg. 18887; amended at 9 Ill. Reg. 6207, effective April 24, 1985; amended at 16 Ill. Reg. 7838, effective June 1, 1992; emergency amendment at 20 Ill. Reg. 410, effective January 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 7820, effective June 1, 1996; amended at 22 Ill. Reg. 1336, effective January 1, 1998; amended at 33 Ill. Reg. 626, effective January 2, 2009; amended at 34 Ill. Reg. 16373, effective October 5, 2010; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: INTERPRETATIONS

**Section 5300.40 Filing**

- a) All documents and pleadings required by the Act or this Part to be filed with the Commission shall be deemed filed when received in the Commission's Chicago or Springfield office. An item properly received by mail shall be deemed to have

## HUMAN RIGHTS COMMISSION

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been filed on the date specified in the applicable proof of mailing. Proof of mailing shall be made by filing with the Commission a certificate of the attorney, or the affidavit of a person who is not an attorney, stating the date and place of mailing and the fact that proper postage was prepaid. The certificate or affidavit shall be filed with the Commission at the same time the item to which it refers is filed. If the certificate or affidavit does not accompany an item filed by mail, an item received by mail shall be deemed to have been filed when postmarked, properly addressed and posted for delivery. An item telefaxed or electronically submitted during regular business hours of the Commission shall be deemed to have been filed on the date it was faxed or electronically submitted.

- b) All papers, and copies of those papers~~thereof~~, for filing and service shall be typewritten on white paper 8½ by 11 inches ~~in approximate size~~. Copies may be reproduced by any printing or duplicating process providing a clear image. At least one copy must be unbound.
- c) Each document, in an initial filing, shall bear on the first page the caption, descriptive title, the Charge numbers assigned by the Department, ~~and the Administrative Law Section (ALS) file number~~, and shall identify the ~~party~~Party on whose behalf it is to be filed. All subsequent documents after the initial filing shall also include the Administrative Law Section (ALS) file number. For all documents in any matter ~~that~~which is proceeding under the alternative hearing procedure of Section 8A-102.5 of the Act, the words "alternative hearing procedure" and the name of the Administrative Law Judge hearing the matter shall be contained in the caption following the ALS file number. The final page of each document shall contain the name, address, and telephone number of the attorney in active charge of the case, or of the ~~party~~Party if appearing pro se.
- d) If the matter is pending before an Administrative Law Judge, the original and one copy of each document shall be filed.
- e) Except for a Request for Review and documents in support of a Request for Review, if a document is to be considered by a Commission panel, then the original and one copy~~five copies~~ of the document must be filed. If the document is to be considered by the full Commission, then the original and one copy ~~15 copies~~ must be filed. If a document is a Request for Review or is in support of a Request for Review, then only the original must be filed. The following documents are considered documents in support of a Request for Review: motion for extension of time, response to Request for Review, reply to response to

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Request for Review, and argument in support of Request for Review.

- f) Except as otherwise provided, all pleadings and other papers required to be served on a ~~party~~Party shall be filed as follows:
- 1) ~~in~~In matters pending before an Administrative Law Judge, such pleadings and papers shall be filed in the Commission office to which that Administrative Law Judge is assigned;
  - 2) ~~if~~If the document is to be considered by a Commission panel or the full Commission, the document shall be filed with the Executive Director in the Commission's Chicago office or in the Springfield office.
- g) The office hours of the Commission are from 8:30 a.m. to 5:00 p.m. No filings filed in person will be accepted outside regular business hours.
- h) Parties shall not include Social Security Numbers in documents filed with the Commission.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: REQUEST FOR REVIEW

**Section 5300.410 Filing with Commission**

A party may request review by the Commission of a decision by the Department to dismiss or default by filing a request for a review with the Commission at its Chicago office ~~within 30 days~~ after receipt of the Department's notice of its decision. The request may be accompanied by argument and supporting materials. ~~Except by permission of the Commission, the request, argument and supporting materials shall not exceed 30 pages.~~

- a) Request for Review deadline is 90 days after receipt of Notice of Dismissal or 30 days after receipt of Notice of Default. If the last day falls on a Saturday, Sunday or legal State holiday, the 90<sup>th</sup> or 30<sup>th</sup> day shall be the day after the weekend date or legal State holiday. DVD submissions and any other electronic media, such as audio or video recordings (except as otherwise allowed in this subsection), in support of a request are not acceptable and will be returned to sender. Static, non-mobile images (i.e., photographs) in support of a request may be submitted on CD.

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- b) The Request for Review, argument and supporting materials shall not exceed 45 pages. Once a proper Request for Review is filed with the Commission by the requesting party, Notice of the Request for Review will be immediately served on the Department of Human Rights and on the non-requesting party to the Charge by the Commission. Once the Request for Review is filed, the Commission will not accept additional arguments or exhibits in support of the Request for Review.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 5300.430 Response by Department**

- a) The Department has 30 days from the date of Service by the Commission of the Notice of Filing Request in which to file a Response with the Commission. The Department shall serve a copy on the requesting party and all original parties to the Charge at the same time. If the Department opposes the Request, its Response shall consist of the following:
- 1) a copy of the Charge, including amendments.
  - 2) the Department's investigation report.
  - 3) results of additional DHR investigation, if any.
  - 4) a statement of DHR's position, including proposed findings to support dismissal.
- b) If the Department's Response indicates the Department is unopposed to the relief sought by the requesting party in its Request, the Executive Director of the Commission shall enter an order vacating the dismissal or default. Within thirty (30) days of receipt of the Commission's notice of the filing of a request for review, the Department shall file a response with the Commission, serving a copy at the same time on the party filing the request. If the Department opposes the request, its response shall consist of a copy of the charge and any amendments thereto, the Department's investigation report, the results of any additional investigation conducted by the Department and a statement of the Department's position, including proposed findings to support the dismissal. If the Department does not oppose the request, its response may consist only of a statement of its position.

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(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 5300.440 Reply to Response**

- a) The party filing the Request may, within 15 days after service of the response, file a Reply with the Commission, with service on the Department at the same time. Only Replies that are limited to addressing issues raised in the response will be considered by the Commission. Replies shall not exceed 30 pages.
- b) The respondent on the charge, in case of dismissal, or the complainant, in the case of default, may file a Response to the Request for Review within 15 days after receipt of the Department's Response to the Request for Review. The Response shall be filed with the Commission, serving a copy at the same time on the party filing the Request and the Department. The Response shall not exceed 30 pages.~~The party filing the request may, within 15 days after service of the response, file a reply with the Commission, with service on the Department at the same time. Only replies that are limited to addressing issues raised in the response will be considered by the Commission. Except by permission of the Commission, the reply shall not exceed 30 pages.~~

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 5300.450 Extensions of Time**

- a) A party's timely Request for Review or timely reply to the Department's Response pursuant to this subsection may seek additional time to file argument and material in support. One 30 day extension will be allowed through the issuance of an Executive Director order. A request for additional time not exceeding 30 days shall be granted by the Commission through the issuance by the Executive Director of a written order served on the party filing the request and on the Department. A request for additional time shall be granted by the Commission, through a 3 member panel, only upon a showing of special circumstances. Any additional argument or material filed pursuant to this subsection shall be served at the same time on the Department by the party filing it.~~The Department shall file its Response response in accordance with Section 5300.430 within 30 days after receipt of the additional argument or materials.~~
- b) The Department may request additional time to file its response by filing a written

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motion with the Commission, serving a copy at the same time on the party filing the Request request for Review and all parties to the original Charge. A request for additional time not exceeding 30 days shall be granted by the Commission through the issuance by the Executive Director of a written order served on the party filing the Request request for Review review and on the Department. ~~A request for additional time will be granted by the Commission, through a 3 member panel, only upon a showing of special circumstances.~~

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 5300.460 Consideration of Request for Review**

- a) A three-member Panel of the Commission will review the Request and, if it agrees with the Department, it shall enter an order stating its findings and reasons.
- b) In instances of default, the Commission will notify the Complainant that the Complainant has the option of having a Commission Administrative Law Judge conduct a hearing to determine damages or that the Complainant may have his or her hearing for damages in the circuit court.
- c) Within 90 days after the Complainant's receipt of this Order of Default, the Complainant shall elect to either commence a civil action for damages in the appropriate circuit court by filing an appropriate pleading with the circuit court in accord with court rules and procedures; or the Complainant shall file a written request with the Commission to set a hearing on damages, to be conducted in conformity with this Part. If the Complainant fails to take the affirmative steps described in this subsection to commence or set a hearing on damages, the Complainant may be deemed to have waived the right to damages. The Complainant shall serve the Respondent and the Department with notice of the commencement of the hearing on damages. If the Complainant elects to commence a civil action for damages in the circuit court, the Complainant shall also serve the Commission with notice of those proceedings.
- d) Should the Commission Panel find in favor of the requesting party, it shall order that the dismissal or default entered by the Department be vacated, and, when appropriate, remanded to the Department for action consistent with the vacate order.
- e) If the dismissal is affirmed, the matter may be appealed to the Appellate Court

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~~within 35 days after the date of service of the Commission's Final Order. The Commission, through a panel of three members, shall review all pleadings filed in accordance with this Subpart and shall determine the merits of the Request for Review; however, if the Department's response states that it does not oppose the Request for Review, the Executive Director is authorized to promptly enter an order on behalf of the Commission vacating the dismissal or default. Oral argument before the Commission on Requests for Review will not be permitted.~~

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: COMPLAINT AND ANSWER

**Section 5300.660 Substitution and Addition of Parties**

- a) A Complaint may be amended by the Complainant to substitute or name additional Parties Respondent if such parties are successors or assigns of a named Respondent. Mere misnomer of a Party, however, shall not be grounds for dismissal and may be cured at any time by amendment of the pleadings. A Person may be added as Party Respondent, even if that Person is not a successor or an assign of the named Respondent, if the following terms and conditions are met:
- 1) The Charge in the case was filed within ~~300~~<sup>300+80</sup> days after the date of the civil rights violation allegedly committed by the Person sought to be added as a Party Respondent;
  - 2) The failure to join the Person as a Party Respondent was inadvertent;
  - 3) The Person sought to be added as a Party Respondent was given notice of the filing of the Charge at the time the original Charge was filed;
  - 4) The nature of the original Charge was such that the Person sought to be added knew, within the ~~300~~<sup>300+80</sup> day period, that the Charge grew out of a transaction or occurrence involving or concerning him or her;
  - 5) The addition of the Person sought to be named as a Party Respondent does not raise new factual questions which were not considered by the Department of Human Rights in its investigation; and

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- 6) The cause of action alleged against the Person sought to be made a Party Respondent in the case arises out of the same transaction or occurrence set out in the original Complaint.
- b) If a Party to a Complaint dies, the proper Party or Parties may be substituted upon motion. If a motion to substitute is not filed within 90 days after the death is suggested of record, the Complaint may be dismissed as to the deceased Party.
- c) No Person shall be added as a Party Respondent except as provided in this Section.
- d) If substitution of a Party occurs in a matter proceeding under the alternative hearing procedure of Section 8A-102.5 of the Act, the election of the alternative hearing procedure remains effective and is binding on the substituted or successor Party and the matter shall continue to proceed under the alternative hearing procedure.
- e) If addition of a Party occurs in a matter proceeding under the alternative hearing procedure of Section 8A-102.5 of the Act, the additional Party shall within 30 days after being made a party in the matter inform the Commission in writing of his/her/its stipulation to continue proceeding under the alternative hearing procedure on the matter before the selected Administrative Law Judge based on the record to date. If the additional Party fails to timely so stipulate, the matter shall automatically no longer continue under the alternative hearing procedure and may be reassigned to another Administrative Law Judge by the Chief Administrative Law Judge.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART L: ACCESSIBILITY OF HUMAN RIGHTS COMMISSION MEETINGSSection 5300.1200 Public Comment

- a) At the beginning of each Commission meeting required to be open by the Open Meetings Act [5 ILCS 120], the Commission shall set aside a period of time for public comment. Any person desiring to address the Commission shall be allowed up to three minutes for comments or questions. Only one person may speak on behalf of any organization.

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- b) Because of demands on the Commission, the total time for presentations at any meeting shall be limited to 30 minutes unless a Commissioner moves for, and the Commission approves, a longer period. Any person wishing to address the Commission, but unable or not allowed to do so, may submit a written statement to the Commission.
- c) Personal attacks, use of profane language, gender, racial, and/or ethnic slurs will not be tolerated. Speakers shall refrain from making rude, derogatory, abusive and/or slanderous comments and engaging in personal character attacks, and shall refrain from unduly boisterous or disruptive conduct. Speakers who fail to adhere to these rules of conduct shall not be allowed to continue speaking or may be removed from the Commission's premises.
- d) Parties, witnesses, or counsel in any matter pending before the Commission, will not be allowed to address the Commission, other than for scheduled oral argument.

(Source: Added at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 5300.1205 Recording of Human Rights Commission Meetings**

Any person may record by tape, film, or other means the meetings of the Commission or its Panels required to be open pursuant to the Open Meetings Act, provided that, if the recording process interferes with the overall decorum and proceeding of a meeting, the recording will be discontinued at the request of the Chair or other presiding officer.

(Source: Added at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**SUBPART M: MEMBERS OF THE COMMISSION****Section 5300.1300 General Duties and Responsibilities of the Chair**

- a) The Chair shall preside at all en banc meetings of the Commission and act as an alternate in a proceeding when a Commissioner is absent or disqualified.
- b) The Chair shall perform all duties incident to the office of Chair, which may include but is not limited to:

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- 1) conducting public outreach with community groups, advocate groups, legal groups, or social justice organizations, locally and nationally;
- 2) providing guidance with the Commission's budget;
- 3) providing guidance on Commission staffing needs;
- 4) recruiting Commission interns;
- 5) maintaining data on discrimination trends;
- 6) networking with other jurisdictions, locally and nationally, in matters of discrimination and civil rights;
- 7) providing guidance and policy on legislative matters;
- 8) creating and maintaining a formal training program for all commissioners on the substantive and procedural aspects of the office of the commissioner, current issues in discrimination law in areas mandated by the Illinois Human Rights Act, and professional and ethical standards;
- 9) improving overall methodology of Commission rules, procedures, etc.

(Source: Added at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 5300.1305 General Duties and Responsibilities of the Vice-Chair**

In the absence or disability of the Chair, the Vice-Chair shall perform temporarily all duties of the Chair, and when so acting shall have all the powers of, and be subject to all restrictions upon, the Chair. In the event of the Chair's inability to act, the Commission shall elect a new Chair at the next regular or special meeting to serve until the expiration of the term of the succeeded Chair. The Vice-Chair shall be selected by the members of the Commission by majority vote. If the office of Vice-Chair is vacated before the expiration of a term, it shall remain vacant until the next regular meeting, at which time the Commission shall elect a new Vice-Chair to serve until the expiration of the term of the succeeded Vice-Chair.

(Source: Added at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 5300.1310 Ethics Officer**

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The General Counsel of the Commission shall serve as the Ethics Officer for the Commission, Staff Attorneys, and other Commission employees.

(Source: Added at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 5300.1315 Oath of Public Office**

The Chair and all Commissioners shall take an Oath of Office or affirmation at the beginning of their term. The Oath shall constitute the Commissioner's sworn responsibility to the public trust. The Oath of Office shall be administered by the Executive Director of the Commission.

(Source: Added at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 5300.1320 Regular Meetings**

- a) The full Commission shall meet monthly in Chicago, Illinois and in Springfield, Illinois via teleconference.
- b) Commission Panels shall meet weekly in Chicago, Illinois and in Springfield, Illinois via teleconference.
- c) The Chair or a majority of the members of the Commission may call special meetings to address specific matters. Notice of a special meeting shall be given in accordance with the Open Meetings Act.

(Source: Added at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 5300.1325 Cancellation of Meetings**

The Chair may cancel a regular or special meeting if she or he is aware that a quorum of the body will not be present or if the meeting date conflicts with other responsibilities of the Commissioners. The Chair may cancel a meeting if, after roll call, a quorum fails to attend or if, during a scheduled meeting, the Commission loses a quorum. Notices of continued, rescheduled, or cancelled meetings shall be posted as provided by the Open Meetings Act.

(Source: Added at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 5300.1330 Commission Code of Ethics**

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Commissioners agree to maintain the highest standards of professional and personal conduct. Each Commissioner shall adhere to the highest standards of ethical conduct and support the Commission's mission, goals, and objectives and shall instill in the public a sense of confidence in the Commission's operations. The standard of conduct for the Commission includes, but is not limited to:

- a) being accountable for its rules of procedures and decisions, and promoting accountability of all members of the Commission and Commission staff;
- b) treating all Commission staff, members of the public, and colleagues with courtesy, respect, objectivity, and fairness;
- c) conducting all Commission business in a timely manner and in a transparent manner with full disclosure of policies and procedures, and engaging in the decisionmaking process, except for those matters authorized under the Illinois Human Rights Act and the Open Meetings Act;
- d) reviewing its actions, recommendations, and procedures periodically to determine whether the Commission has adhered to its Code of Ethics and mission in all respects;
- e) being adequately prepared and fully informed to render a decision whenever required;
- f) substantially abiding by the current Illinois Judicial Code of Conduct (Rules 61 through 100.13 of Article I of the Illinois Supreme Court Rules).

(Source: Added at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 5300.1335 Attendance Requirements**

- a) Except in the event of a notified absence (see subsection (b)), each Commissioner is expected to attend each regular or special meeting of the Commission. The Commission Secretary shall maintain a record of members' attendance.
- b) A Commissioner's absence shall constitute a "notified absence" when the Commissioner, in advance of the meeting, informs the Commission Secretary that the Commissioner will be absent. A notified absence must be given 72 hours prior

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to the scheduled meeting when possible. An absence due to unforeseen circumstances, such as illness or emergency, shall also qualify as a notified absence when the Commissioner reports that absence to the Commission Secretary as soon as reasonably possible. The Commission Secretary shall record as non-notified all absences involving neither advance notice nor unforeseen circumstances.

- c) The Commission Secretary shall report all instances of non-notified absences, as well as any instance of three consecutive absences of a member, from regular meetings in a fiscal year to the member's appointing authority.

(Source: Added at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 5300.1340 Disqualification of Commissioner**

- a) A Commissioner shall disqualify himself or herself in a proceeding, including the consideration of a settlement agreement, in which the Commissioner's impartiality might reasonably be questioned, including but not limited to instances in which:
- 1) he or she has a personal bias or prejudice concerning a party or a party's counsel, or personal knowledge of disputed evidentiary facts concerning the proceedings;
  - 2) he or she served as an attorney in the matter in controversy, or an attorney with whom the Commissioner previously practiced law served, during that association, as an attorney concerning the matter;
  - 3) he or she is a material witness concerning the matter.
- b) Remittal of Disqualification  
A Commissioner disqualified under subsection (a) may disclose on the record the basis of the disqualification and may ask the parties to consider, out of the presence of the Commissioner, whether to waive disqualification. If, following disclosure of any basis for disqualification other than personal bias or prejudice concerning a party, the parties, without participation by the Commissioner, all agree in writing that the Commissioner should not be disqualified, and the Commissioner is then willing to participate, the Commissioner may participate in the proceeding. The agreement signed by all parties shall be made a part of the record of the proceeding.

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- c) When a Commissioner withdraws from a case, it shall be the duty of the Commissioner to notify the Chair, whose function it shall be to transfer the case to an alternate Commissioner.

(Source: Added at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART N: COMMISSION STAFFSection 5300.1400 Code of Ethics

- a) Staff Attorneys hired pursuant to Section 8-101(E) of the Act shall adhere to the highest standards of ethical conduct, support the Commission's mission, goals, and objectives, and instill in the public a sense of confidence in the Commission's operations.
- b) The standard of conduct for Staff Attorneys and other Commission employees includes, but is not limited to:
- 1) adherence to Commission personnel rules, procedural directives, and accountability to the members of the Commission and the Executive Director;
  - 2) treatment of all Commission staff, the public, and colleagues with courtesy, respect, objectivity and fairness;
  - 3) conduct of all Commission business in a timely and transparent manner, with full adherence to Commission policies and procedures; and
  - 4) engagement in the Commission's decisionmaking process, to the extent requested by the Commission.

(Source: Added at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 5300.1405 Disqualification of Staff Attorneys

A Staff Attorney shall disqualify himself or herself from a proceeding, including the consideration of a settlement agreement, in which the Staff Attorney's impartiality might reasonably be questioned, including but not limited to instances in which:

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- a) he or she has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceedings;
- b) he or she served as an attorney in the matter in controversy, or an attorney with whom the Staff Attorney previously practiced law served during that association as an attorney concerning the matter;
- c) he or she is a material witness concerning the matter.

(Source: Added at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 5300.1410 Assignment of Request for Review**

The Office of the General Counsel shall:

- a) maintain supervisory control over all staff attorneys, contract attorneys, and Staff Attorneys;
- b) maintain a Request for Review Docket for the regular meetings and a Special Backlog Panel;
- c) be responsible for assigning contested matter cases and Request for Review matters to each Commission Panel and Special Backlog Panel;
- d) create agendas for all Commission meetings and keep minutes of all Commission and Special Backlog Panel meetings;
- e) review all Commission Panel orders and Special Backlog Panel orders prior to service; and
- f) be responsible for the posting of all Panel decisions.

(Source: Added at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 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 Actions:</u>
810.5	Amendment
810.15	Amendment
810.37	Amendment
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, 25-5, and 5/5-15].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update site-specific and statewide sportfishing regulations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Changes to this Part were made based on fisheries survey data, management goals and additions of new fishing waters.
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other 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:

John Heidinger, Legal Counsel

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Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/557-6379

- 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) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2019

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

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

Section	
810.5	Definitions
810.10	Sale of Fish and Fishing Seasons – Statewide
810.14	Wanton Waste – Fish, Reptiles, Amphibians, Mollusks and Crustaceans Abandonment
810.15	Statewide and Site Specific Bowfishing (Archery/Spear Methods) Regulations
810.20	Snagging
810.25	Trotlines
810.28	Mussels
810.30	Pole and Line Fishing Only (Repealed)
810.35	Statewide Sportfishing (Hook and Line and Other Non-Bowfishing or Non-Snagging Legal Methods Under a Sportfishing License) Regulations – Daily Harvest and Size Limits
810.37	Definitions for Site Specific Sportfishing Regulations
810.40	Daily Harvest 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].

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.

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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 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

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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, 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 36 Ill. Reg. 5461, effective March 22, 2012; amended at 37 Ill. Reg. 6658, effective May 1, 2013; amended at 37 Ill. Reg. 16426, effective October 3, 2013; emergency amendment at 38 Ill. Reg. 13022, effective June 9, 2014, for a maximum of 150 days; emergency expired November 5, 2014; amended at 39 Ill. Reg. 6517, effective April 27, 2015; amended at 40 Ill. Reg. 6000, effective March 25, 2016; amended at 41 Ill. Reg. 4006, effective March 24, 2017; amended at 42 Ill. Reg. 7773, effective April 20, 2018; amended at 43 Ill. Reg. 3399, effective February 27, 2019; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 810.5 Definitions**

Aquatic life – all fish, reptiles, amphibians, mollusks, crustaceans, algae, aquatic plants and aquatic invertebrates, and any other aquatic animals or plants that the Department identifies in administrative rules.

Catch and Release ~~Fly-Fishing~~ – ~~fly fishing with~~ no harvest of target fish species permitted. Caught fish must be returned to the water immediately unharmed.

Fishing – taking or attempting to take aquatic life in any waters of the State, by any method, and all other acts such as placing, setting, drawing or using any device commonly used for the taking of aquatic life, whether resulting in taking or not. This also applies to the removal of dead and decaying aquatic life.

Harvest – any aquatic life taken into possession from any waters of the State by any method.

In the aggregate – combination of two or more species or hybrids that in total do not exceed the daily harvest limit.

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Relic Mussel Shell – the shell of a mussel that apparently died of natural causes in the water and contains no meat or soft parts. The shell readily exhibits noticeable sediment, vegetation, algal or mineral stains, discolorations, soiling, weathering or other visual evidence on its interior surface that clearly and unambiguously shows the mussel shell has not been cooked-out or freshly cleaned.

Snagging – the practice of dragging or jerking a hook (or hooks), baited or unbaited, through the water with the intention of hooking a fish on contact anywhere on the body other than the inside of the mouth.

Take – to lure, kill, destroy, capture, gig or spear, trap or ensnare, or attempt to do so.

Water of the State – any water within the jurisdiction of the State of Illinois that is adapted for purposes of navigation or public access.

> – symbol means "greater than".

≥ – symbol means "greater than or equal to".

< – symbol means "less than".

≤ – symbol means "less than or equal to".

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 810.15 Statewide and Site Specific Bowfishing (Archery/Spear Methods) Regulations**

a) Legal Methods of Taking

Aquatic life, as listed by species in subsection (b), Carp, catfish, buffalo, suckers, gar, shad, drum, bowfin, bullfrogs and common snapping turtles may be taken by means of legal bowfishing devices, including a pitchfork, underwater spear gun, bow and arrow or bow and arrow device, spear or gig. A valid sport fishing license is required for taking aquatic life under this Section~~Each person taking fish, bullfrogs or common snapping turtles by these means shall possess a valid sport fishing license.~~ Aquatic life~~Fish, bullfrogs and common snapping turtles~~ taken by these means shall not be sold or bartered. No other aquatic life (e.g., fish, amphibian or reptile species) may be taken in this State by these means. *It is*

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*unlawful to discharge any gun or bow and arrow device along, upon, across or from any public right-of-way or highway in this State. [520 ILCS 5/2.33(r)]*

- b) Species  
↳ Only fish, amphibian and reptile species listed may be taken by bowfishing and other legal methods and in accordance with harvest limits identified for each. Fish, amphibian and reptile species permitted to be taken by bowfishing and other archery/spear fishing legal methods in Illinois waters include:

1) Order Petromyzontiformes

Family Petromyzontidae (Non-Native Species):

Sea lamprey – *Petromyzon marinus* (Linnaeus)

2A) Order Lepisosteiformes

Family Lepisosteidae (Native Species):

Spotted gar – *Lepisosteus oculatus* (Winchell)

Longnose gar – *Lepisosteus osseus* (Linnaeus)

Shortnose gar – *Lepisosteus platostomus* (Rafinesque)

Alligator Gar – *Atractosteus spatula* (Lacepede) native

3B) Order Amiiformes

Family Amiidae (Native Species):

Bowfin – *Amia calva* (Linnaeus)

4) Order Clupeiformes

Family Clupeidae (Native Species):

Gizzard shad – *Dorosoma cepedianum* (Lesueur)

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5C) Order Cypriniformes

## Family Cyprinidae (Non-Native Species):

Grass carp – *Ctenopharyngodon idella* (Valenciennes)

Common carp – *Cyprinus carpio* (Linnaeus)

Silver carp – *Hypophthalmichthys molitrix* (Valenciennes)

Bighead carp – *Hypophthalmichthys nobilis* (Richardson)

Goldfish – *Carassius auratus* (Linnaeus)

Black ~~carp~~Carp – *Mylopharyngodon piceus*

Family Cobitidae (Non-Native Species):

Oriental weatherfish – *Misgurnus*

*Anguillicaudatus* (Cantor)

## Family Catostomidae (Native Species):

River carpsucker – *Carpionodes carpio* (Rafinesque)

Quillback carpsucker – *Carpionodes cyprinus* (Lesueur)

Highfin carpsucker – *Carpionodes velifer* (Rafinesque)

White sucker – *Catostomus commersoni* (Lacepede)

Blue sucker – *Cycleptus elongatus* (Lesueur)

Smallmouth buffalo – *Ictiobus bubalus* (Rafinesque)

Bigmouth buffalo – *Ictiobus cyprinellus* (Valenciennes)

Black buffalo – *Ictiobus niger* (Rafinesque)

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Spotted sucker – *Minytrema melanops* (Rafinesque)

Silver redhorse – *Moxostoma anisurum* (Rafinesque)

Black redhorse – *Moxostoma duquesnei* (Lesueur)

Golden redhorse – *Moxostoma erythrurum* (Rafinesque)

Shorthead redhorse – *Moxostoma macrolepidotum* (Lesueur)

~~Family Sciaenidae (Native Species):~~

~~Freshwater drum – *Aplodinotus grunniens* (Rafinesque)~~

~~Family Clupeidae (Native Species):~~

~~Gizzard shad – *Dorosoma cepedianum* (Lesueur)~~

6) Order Characiformes

Family Serrasalminidae (Non-Native Species):

Pacu – *Callisoma* spp. (Eigenmann and Kennedy)

7D) Order Siluriformes

Family Ictaluridae (Native Species):

Channel catfish – *Ictalurus punctatus* (Rafinesque)

Blue catfish – *Ictalurus furcatus* (Lesueur)

Flathead catfish – *Pylodictis olivaris* (Rafinesque)

Yellow bullhead – *Ameiurus natalis* (Lesueur)

Brown bullhead – *Ameiurus nebulosus* (Lesueur)

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Black bullhead – *Ameiurus melas* (Rafinesque)

Family Ictaluridae (Non-Native Species):

White catfish – *Ameiurus catus* (Linnaeus)

8) Order Perciformes

Family Scianidae (Native Species):

Freshwater drum – *Aplodinotus grunniens* (Rafinesque)

9) Order Cichliformes

Family Cichlidae (Non-Native Species):

Tilapia – *Tilapia* spp. (Smith)

10) Order Gobiiformes

Family Gobiidae (Non-Native Species):

Round goby – *Neogobius malanistomus* (Pallas)

11) Order Anabantiformes

Family Channidae (Non-Native Species):

Northern snakehead – *Channa argus* (Cantor)

12E) Order Anura

Family Ranidae (Native Species):

American bullfrogBullfrog – *Lithobates catesbeianus* (Shaw)~~Rana~~  
~~catesbiana~~

13F) Order Testudines

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Family Chelydridae (Native Species):

Common ~~snapping turtle~~ Snapping Turtle – Chelydra serpentine  
(Linnaeus)~~serpentina~~

- 2) ~~All non-native fish species.~~
- c) ~~Asian Carp~~ (Non-Native Fish Species)  
No live possession of non-native fish species listed in subsection (b) is permitted, with the exception of common carp and goldfish.~~Asian carp species is permitted.~~
- d) Waters Open to Bowfishing and Other Legal Archery and Spearfishing Methods
  - 1) Illinois waters open to bowfishing and other legal methods include all public rivers and streams noted in 17 Ill. Adm. Code 3704. Appendix A, except as restricted by subsections (d)(3) through (14).
  - 2) All public site specific waters as noted in Section 810.45.
  - 3) Catfish species may only be taken in rivers and connected public (wholly accessible by boat) backwaters (see list in Section 810.15) as noted in subsections (d)(4) through (15).
  - 4) Mississippi River connected public (wholly accessible by boat) backwaters, including that portion of the Kaskaskia River below the navigation lock and dam, except:
    - A) Quincy Bay, including Quincy Bay Waterfowl Management Area.
    - B) Spring Lake in the Upper Mississippi River Wildlife and Fish Refuge.
    - C) Mark Twain U.S. Fish and Wildlife Service National Wildlife Refuge Waters (except by special permit).
  - 5) Illinois River and connected public (wholly accessible by boat) backwaters from Route 89 highway bridge downstream, except for:
    - A) U.S. Fish and Wildlife National Refuge Waters.

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- B) Meredosia Lake in Cass and Morgan Counties during the central zone duck season.
  - C) Clear Lake in Mason County 7 days prior to and during the central zone duck season.
  - D) Route 89 highway bridge to Starved Rock Dam for the commercial removal of Asian carp only by a limited number of restricted period contracts.
- 6) Wabash River.
  - 7) Embarras River.
  - 8) Sangamon River, downstream of Belt Route 48 southwest of Decatur to mouth in Cass County.
  - 9) Kaskaskia River south of Route U.S. 50 Bridge to mouth in Randolph County.
  - 10) Little Wabash River.
  - 11) Big Muddy River.
  - 12) Skillet Fork.
  - 13) Cache River from Route 51 downstream to the Mississippi River via Cache Diversion Channel, but not including that portion of the Cache River between the Cache Diversion Channel Levee and the Ohio River.
  - 14) Saline River in Gallatin and Saline Counties.
  - 15) Ohio River, except for:
    - A) Lock and Dam 52 downstream to a line perpendicular with the end of the longest lock wall, including the circular cell portion.

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- B) Lock and Dam 53 downstream to a line perpendicular with the end of the longest lock wall, including the circular cell portion.
  - C) Smithland Dam downstream to a line perpendicular to the end of the outer lock wall.
  - D) Within 50 yards of the mouth of any tributary or stream.
- e) Bowfishing for common snapping turtles is not permitted in the following Illinois counties: Randolph, Perry, Franklin, Hamilton, White, Gallatin, Saline, Williamson, Jackson, Union, Johnson, Pope, Hardin, Massac, Pulaski and Alexander.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 810.37 Definitions for Site Specific Sportfishing Regulations**

- a) Site Specific Regulations are listed by water area affected. The coverage of the regulation is dictated by the extent of the water area listed and not by the county. In some cases, regulations for a given water area or site may extend beyond the counties listed. The counties listed refer to the location of the dam or outfall for impoundments or mouths of small streams. Since large rivers or streams usually flow through many counties, the term "Multiple" is used rather than listing all counties where the large stream or river flows.
- b) The following subsections are referred to by number in Section 810.45. Each water area listed in Section 810.45 has numbers in parentheses that explain all of the restrictions or special provisions in this Section that apply to that water area.
  - 1) Sport fishermen must not use more than 2 poles and each pole must not have more than 2 hooks or lures attached (Alabama rigs not allowed) while fishing, except that legal size cast nets (in accordance with Section 810.50(a)(1)), shad scoops, and minnow seines may be used to obtain shad, minnows and crayfish to use as bait, provided that they are not sold, and except that bullfrogs may be taken by hand, gig, pitchfork, spear, landing net and hook and line during bullfrog season.
  - 2) All jugs set in a body of water shall be under the immediate supervision of the fisherman. Immediate supervision shall be defined as the fisherman

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being on the water where the jugs are set and readily available to identify jugs to law enforcement officers.

- 3) All largemouth and smallmouth bass taken must be less than 12" in total length or greater than or equal to 15" in total length.
- 4) Sport fishermen shall be allowed to use trotlines, jugs, and by hand, except that sport fishermen may not submerge any pole or similar object to take or locate any fish and the use and aid of underwater breathing devices is prohibited. West of Wolf Creek Road, fishing from boats is permitted all year. Trotlines/jugs must be removed from sunrise until sunset from Memorial Day through Labor Day. East of Wolf Creek Road, fishing from boats is permitted from March 15 through September 30. Fishing from the bank is permitted all year only at the Wolf Creek and Route 148 causeways. On the entire lake, jugs and trotlines must be checked daily and must be removed on the last day they are used. It is illegal to use stakes to anchor any trotlines; they must be anchored only with portable weights and must be removed on the last day they are used. The taking of carp, carpsuckers, shad, drum, buffalo, gar, bowfin and suckers with spear, gig, bow and arrow or archery device is permissible.
- 5) Sport fishermen may take carp, carpsuckers, buffalo, gar, bowfin and suckers by pitchfork, gigs, bow and arrow or bow and arrow devices.
- 6) Sport fishing is allowed in the Fox River south of the Illinois-Wisconsin line to the Algonquin Dam and the Nippersink Creek upstream to the Wilmot Road Bridge.
- 7) Sport fishermen may take carp, buffalo, suckers and gar by bow and arrow or bow and arrow devices, gigs or spears during May and June.
- 8) Daily harvest limit includes striped bass, white bass, yellow bass and hybrid striped bass either singly or in the aggregate.
- 9) Catch and Release Fishing Only means that fish (all or identified species) caught must be immediately released alive and in good condition back into the water from which they came.
- 10) It shall be illegal to possess trout during the period of October 1 to 5 a.m.

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on the third Saturday in October (both dates inclusive) that were caught during that period.

- 11) It shall be illegal to possess trout during the period of March 15 to 5 a.m. on the 1<sup>st</sup> Saturday in April (both dates inclusive) that were caught during that period.
- 12) Daily harvest limit for largemouth or smallmouth bass, either singly or in the aggregate, shall not exceed 6 fish, no more than one of which shall be greater than or equal to 15" in total length. Fish greater than or equal to 12" and less than 15" in total length are protected and may not be harvested.
- 13) Jug fishing is permitted from the hours of sunset to sunrise and carp and buffalo may be taken by bow and arrow devices from May 1 through September 30. All jugs must have owner's/user's name and complete address affixed.
- 14) Daily harvest limit includes all fish species (either singly or in the aggregate) caught within each of the following fish groupings.
  - A) Largemouth or smallmouth bass
  - B) Walleye, sauger, or their hybrid
  - C) Bluegill, redear, ~~sunfish~~ or pumpkinseed or hybrid sunfish
  - D) Channel or blue catfish
- 15) Daily harvest limit includes white, black or hybrid crappie either singly or in the aggregate.
- 16) Daily harvest limit includes striped bass, white bass and hybrid striped bass either singly or in the aggregate.
- 17) Daily harvest limit shall not exceed 10 fish, no more than 3 of which may be greater than or equal to 17" total in length.
- 18) Clinton Lake – Sport fishermen shall be allowed to use trotlines, jugs and

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bank poles in the portions of the lake that lie north of the Route 54 Railroad Bridge and northeast of the Route 48 Bridge. Sport fishermen may take carp, carpsuckers and buffalo by bow and arrow, bow and arrow devices, gigs and spears on the entire lake, but not within 150 feet of any boat ramp, dock, beach or other developed recreation areas. All jugs and trotlines set in a body of water shall be under the immediate supervision of the angler.

- 19) It shall be unlawful to enter upon a designated duck hunting area between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season and Canada goose season as posted at the site, or to fish on such areas during the regular duck season except in areas posted as open to fishing. It shall be unlawful to enter upon areas designated as waterfowl rest areas or refuges from two weeks prior to the start of the regular duck season through the end of duck and Canada goose season.
- 20) Carlyle Lake (including its tributary streams and those portions of the Kaskaskia River and Hurricane Creek up to the U.S. Army Corps of Engineers Carlyle Lake Project boundaries), U.S. Army Corps of Engineers, Bond, Clinton and Fayette Counties. Does not include the tailwaters. Sport fishermen may not use a minnow seine, cast net or shad scoop for bait collecting between U.S. Route 50 and the Carlyle Lake dam and spillway.
- 21) Lake Shelbyville (including its tributary streams and those portions of the West Okaw and Kaskaskia Rivers up to Lake Shelbyville Project boundaries – including parts of the Lake Shelbyville Fish and Wildlife Management Area), U.S. Army Corps of Engineers, Shelby and Moultrie Counties. Does not include the tailwater except for the 48" total length and live bait rig requirement for muskellunge (see subsections (b)(40) and (43)).
- 22) Rend Lake (including its tributary streams and those portions of the Big Muddy and Casey Fork Rivers up to the Rend Lake Project boundaries), Rend Lake Project Ponds, U.S. Army Corps of Engineers, Franklin and Jefferson Counties. Does not include tailwaters. Sport fishermen may not use a minnow seine, cast net, or shad scoop for bait collecting within 1,000 yards downstream of the Rend Lake Dam and Spillway.

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- 23) Daily harvest limit for black, white or hybrid crappies, singly or in the aggregate, shall not exceed 20 fish, no more than 10 of which may be less than 10" in total length and no more than 10 of which may be greater than or equal to 10" in total length.
- 24) 15" minimum length limit for walleye with no possession of walleye greater than or equal to 20" and less than 27" in total length – protected slot limit.
- 25) Daily harvest limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 3 fish, no more than one of which may be greater than or equal to 15" in total length and no more than 2 of which may be less than 15" in total length.
- 26) Lake Vermilion – Trotline and jug fishing allowed north of Boiling Springs Road.
- 27) Bank fishing is prohibited. Boat fishing is permitted May 1 through August 31 during the hours of 2:00 p.m. to 8:00 p.m. See site for additional regulations and exact opening and closing dates.
- 28) Trotlines may be set within 300 feet from shore.
- 29) Carp, buffalo, suckers and carsuckers may be taken by means of pitchfork and gigs (no bow and arrow devices).
- 30) Fishing is permitted from March 15 through September 30, both dates inclusive, from sunrise to sunset. Fishing during all other times of the year is illegal and not permitted.
- 31) Daily harvest limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 3 fish per day, no more than one of which may be greater than or equal to 15" in total length and no more than 2 of which may be less than 12" in total length.
- 32) Daily harvest limit of striped bass, white bass, yellow bass and hybrid striped bass, singly or in the aggregate, shall not exceed 4 fish per day that must be greater than or equal to 15" in length.

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- 33) It shall be unlawful to trespass upon a designated waterfowl hunting area during the 7 days prior to the regular duck season, or to fish on such areas during the regular duck and Canada goose 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.
- 34) Sport fishermen may harvest carp, buffalo, suckers and gar by bow and arrow or bow and arrow devices, gigs or spears from May 1 through August 31.
- 35) 14" minimum length limit for walleye, sauger or hybrid walleye, either singly or in the aggregate, with no possession of fish greater than or equal to 18" and less than 24" in total length. There is a 4 fish daily harvest limit of which only one can be greater than or equal to 24" in total length.
- 36) Sport fishermen may not use a minnow seine, minnow trap, cast net or shad scoop for bait collecting in the following water areas:
- Charleston Lower Channel Lake tailwaters from that portion of the Embarras River from the Charleston Lower Channel Lake Dam downstream to the Route 130 Bridge.
- Clinton Lake tailwaters from that portion of Salt Creek from the Clinton Dam downstream to the Route 10 Bridge
- Cook County Forest Preserve District Waters (except in the Des Plaines River)
- Lake Decatur tailwaters from that portion of the Sangamon River from the Lake Decatur Dam downstream to the Route 48 Bridge.
- 37) Daily harvest limit for smallmouth bass shall not exceed 3 fish, no more than one of which may be greater than or equal to 18" in total length and 2 may be less than 12" in total length.
- 38) Daily harvest limit for largemouth and smallmouth bass, either singly or in the aggregate, shall not exceed 6 fish per day, no more than one of which

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may be greater than or equal to 18" in total length and 5 may be less than 14".

- 39) 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 the regular goose and duck season.

- 40) The 48 inch total length limit on pure muskellunge applies to that body of water listed as well as any tailwaters as defined below:

Evergreen Lake (McLean County) – including the portion of Six Mile Creek below the Evergreen Lake Dam downstream to its confluence with the Mackinaw River.

Fox Chain O' Lakes (Lake/McHenry Counties) – including the Fox River south of the Wisconsin-Illinois boundary to the Algonquin Dam and the Nippersink Creek upstream to the Wilmot Road Bridge.

Kinkaid Lake (Jackson County) – including the portion of Kinkaid Creek below the Kinkaid Lake Dam downstream to the Route 149 Bridge.

Lake Shelbyville (Moultrie/Shelby Counties) – including the portion of the Kaskaskia River below the Lake Shelbyville Dam downstream to the State Route 128 Road Bridge near Cowden.

Otter Lake (Macoupin County) – including the portion of Otter Creek below Otter Lake Dam downstream to its confluence with East Otter Creek.

Pierce Lake (Winnebago County) – including the portion of Willow Creek below the Pierce Lake Dam downstream to Forest Hills Road.

- 41) It shall be unlawful to enter upon areas designated as waterfowl hunting areas during the 10 days prior to the start of the 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 enter upon areas designated as waterfowl rest areas or refuges from 10 days prior to the start of the regular duck season through the end of duck and Canada goose season.

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- 42) During duck season, walk-in only access for fishing from the bank is permitted after 1:00 p.m.
- 43) When using live bait, all live bait in excess of 8" in total length shall be rigged with a quick set rig. The hook shall be immediately set upon the strike. A quick set rig is defined as follows: a live bait rig with up to 2 treble hooks attached anywhere on the live bait; single hooks are prohibited. This subsection (b)(43) does not apply to trotlines, jug lines, etc., if allowed on the lake.
- 44) Sport fishermen may take carp from boat by bow and arrow and bow and arrow devices, but not within 150 feet of any developed recreation areas.
- 45) Sport fishermen may take carp, buffalo, suckers and gar by bow and arrow devices, gigs or spears (except during waterfowl season) but not within 200 yards of any developed recreational areas.
- 46) Daily harvest limit for largemouth and smallmouth bass, either singly or in the aggregate, shall not exceed 3 fish, no more than 1 of which may be greater than or equal to 18" in total length and 2 may be less than 12" in total length.
- 47) 14" minimum length limit for walleye, sauger or hybrid walleye, either singly or in the aggregate, with no possession of fish greater than or equal to 18" or less than 26" in total length. There is a 3 fish daily harvest limit of which only 1 fish can be greater than or equal to 26" in total length.
- 48) Sport fishermen may take carp, buffalo, suckers and gar by bow and arrow or bow and arrow devices, gigs or spears, except when closed under site regulations (17 Ill. Adm. Code 110) and posted on site.
- 49) Length limit regulation exemptions for fishing tournaments may be allowed for any fish species found in water body.
- 50) Daily harvest limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 3 fish daily, no more than one of which may be greater than or equal to 18" in total length and no more than 2 of which may be less than 14" in total length.

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- 51) Lake Decatur, (including all boundaries within the City of Decatur) from the dam to the Sangamon River at Macon County Highway 25 (North Oakley Road) and the area west of Baltimore Ave. Does not include the tailwater.
- 52) Daily harvest for muskellunge shall not exceed 1 fish greater than or equal to 36", but less than 42", or 1 fish greater than or equal to 48" in total length.
- 53) The daily harvest limit for yellow perch shall not exceed 15 fish in the combined waters of Lake Michigan, Calumet River, and Chicago River including its North Branch, South Branch and the North Shore Canal.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 810.45 Site Specific Water Area Regulations**

Fishing regulations, including species of fish, fishing methods and Daily Harvest Limits are listed for each water area. The numbers in parenthesis refer to the corresponding numbered definitions in Section 810.37. If a water area is not listed or if a specific species is not listed, then statewide restrictions apply. Check the bulletin boards and regulation signs at the specific site for any emergency changes to regulations.

**Altamont Reservoir**, City of Altamont  
Effingham County

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

**Anderson Lake State Fish and Wildlife Area** (33)  
Fulton County

- Largemouth Bass
- 6 Fish Daily Harvest Limit
  - 12 Minimum Length Limit

**Andover Lake**, City of Andover  
Henry County

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

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**Anna City Lake**, City of Anna

Union County

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

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

Jo Daviess County

- All Fish
  - Smallmouth Bass
  - Trout
- 2 Pole and Line Fishing Only (1)
  - Catch and Release Fishing Only (9)
  - Spring Closed Season (11). No harvest with Hook and Line Fishing. Catch and Release Fishing permitted. (9)
  - Fall Closed Season (10) No harvest with Hook and Line Fishing; Catch and Release Fishing permitted. (9)

**Argyle Lake**, Argyle Lake State Park

McDonough County

- Recreational Use Restrictions
  - All Fish
  - Bluegill or Redear Sunfish (14)
  - Channel Catfish
  - Hybrid Walleye
  - Large or Smallmouth Bass (14)
  - Pure Muskellunge
  - Trout
  - White, Black, or Hybrid Crappie (15)
- All live bait > 8" must be rigged with a quick set rig (43)
  - 2 Pole and Line Fishing Only (1)
  - 25 Fish Daily Harvest Limit
  - 6 Fish Daily Harvest Limit
  - 3 Fish Daily Harvest Limit
  - Protected Slot Length Limit of 14-18"
  - 3 Fish Daily Harvest Limit
  - 42" Minimum Length Limit
  - Fall Closed Season (10)
  - 25 Fish Daily Harvest Limit with no more than 10 Fish greater than or equal to 10"

**Arrowhead Heights Lake**, Village of Camp Point

Adams County

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

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- Channel Catfish
- Large or Smallmouth Bass (14)
- 6 Fish Daily Harvest Limit
  - 15" Minimum Length Limit
  - 3 Fish Daily Harvest Limit

**Arrowhead Lake**, City of Johnston City

Williamson County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- White, Black, or Hybrid Crappie (15)
- 2 Pole and Line Fishing Only (1)
  - 6 Fish Daily Harvest Limit
  - Protected Slot Length Limit With 1 Fish  $\geq$  15" and/or 2 Fish  $<$  12" Daily Harvest (31)
  - 15 Fish Daily Harvest Limit

**Ashland City Old Reservoir**, City of Ashland

Morgan County

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

**Ashland City Reservoir**, City of Ashland

Morgan County

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

**Auburn Park Lagoon**, Chicago Park District

Cook County

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

**Axehead Lake**, Cook County Forest Preserve

Cook County

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

**Bakers Lake**, City of Peru

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## LaSalle County

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

**Baldwin Lake**, Baldwin Lake Conservation Area

## Randolph County

- All Fish • 2 Pole and Line Fishing Only (1) (5)
- Large or Smallmouth Bass (14) • 18" Minimum Length Limit
- 3 Fish Daily Harvest Limit
- Striped, White, or Hybrid Striped Bass • 17" Minimum Length Limit
- (16) • 3 Fish Daily Harvest Limit
- White, Black, or Hybrid Crappie (15) • 25 Fish Daily Harvest Limit
- 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 Harvest Limit
- Large or Smallmouth Bass (14) • 1 Fish Daily Harvest Limit
- 15" Minimum Length Limit
- Trout • Fall Closed Season (10)
- 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 > 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 Harvest Limit
- Large or Smallmouth Bass (14) • 3 Fish Daily Harvest Limit
- Protected Slot Length Limit of 12-18"
- Pure Muskellunge • 42" Minimum Length Limit
- White, Black, or Hybrid Crappie (15) • 25 Fish Daily Harvest Limit with no more than 10 Fish  $\geq$  10"

**Batchtown State Wildlife Management Area** (19)

## Calhoun County

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Baumann Park Lake**, City of Cherry Valley

Winnebago County

- |                               |                                    |
|-------------------------------|------------------------------------|
| All Fish                      | • 2 Pole and Line Fishing Only (1) |
| Channel Catfish               | • 6 Fish Daily Harvest Limit       |
| Large or Smallmouth Bass (14) | • 14" Minimum Length Limit         |
|                               | • 1 Fish Daily Harvest Limit       |
| Trout                         | • Fall Closed Season (10)          |
|                               | • Spring Closed Season (11)        |

**Beall Woods Lake**, Beall Woods Conservation Area

Wabash County

- |                          |                                    |
|--------------------------|------------------------------------|
| All Fish                 | • 2 Pole and Line Fishing Only (1) |
| Channel Catfish          | • 6 Fish Daily Harvest Limit       |
| Large or Smallmouth Bass | • 15" Minimum Length Limit         |
| Trout                    | • Spring Closed Season (11)        |
|                          | • 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 Harvest Limit      |
| Channel Catfish                      | • 6 Fish Daily Harvest Limit       |
| Large or Smallmouth Bass (14)        | • 15" Minimum Length Limit         |
|                                      | • 3 Fish Daily Harvest Limit       |
| Trout                                | • Fall Closed Season (10)          |
| White, Black, or Hybrid Crappie (15) | • 10 Fish Daily Harvest Limit      |
|                                      | • 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 Harvest Limit           |
| Channel Catfish                               | • 6 Fish Daily Harvest 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 Harvest Limit           |

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Belk Park Pond**, City of Wood River

Madison County

- All Fish
  - Bluegill or Redear Sunfish (14)
  - Channel Catfish
  - Trout
- 2 Pole and Line Fishing Only (1)
  - 25 Fish Daily Harvest Limit
  - 6 Fish Daily Harvest Limit
  - Fall Closed Season (10)
  - Spring Closed Season (11)

**Belleau Lake**, Cook County Forest Preserve District

Cook County

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

**Belvidere Ponds**, City of Belvidere

Boone County

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

**Bevier Lagoon**, Waukegan Park District

Lake County

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

**Bird Park Quarry**, City of Kankakee

Kankakee County

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

**Blandinsville North and South Ponds**, Village of Blandinsville

McDonough County

- All Fish
  - Channel Catfish
  - Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
  - 6 Fish Daily Harvest Limit
  - Protected Slot Length Limit with only 1 Fish  $\geq$  15" and/or 2 Fish  $<$  12" (31)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 3 Fish Daily Harvest Limit

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

McLean County

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

**Blue Pond**, Boone County Conservation District

Boone County

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

**Borah Lake**, City of Olney

Richland County

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

**Boston Pond**, Stephen A. Forbes State Park

Marion County

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

**Bowen Lake**, City of Washington

Tazewell County

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

**Boyd-Wesley Park Pond**, Village of Towanda

McLean County

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- |                                 |                                    |
|---------------------------------|------------------------------------|
| All Fish                        | • 2 Pole and Line Fishing Only (1) |
| Channel Catfish                 | • 3 Fish Daily Harvest Limit       |
| Large or Smallmouth Bass (14)   | • 15" Minimum Length Limit         |
|                                 | • 1 Fish Daily Harvest Limit       |
| Bluegill or Redear Sunfish (14) | • 10 Fish Daily Harvest 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 the Canada goose and regular duck season |
| All Fish                                   | • 2 Pole and Line Fishing Only (1)  |
| Large or Smallmouth Bass (14)              | • 15" Minimum Length Limit  |
|  | • 3 Fish Daily Harvest Limit  |
| Striped, White or Hybrid Striped Bass (16) | • 10 Fish Daily Harvest with no more than 3 Fish > 17" (17)   |

**Breese JC's Park Pond**, City of Breese

Clinton County

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

**Buckner City Reservoir**, City of Buckner

Franklin County

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

**Buffalo Prairie State Pheasant Habitat Area Lakes and Ponds** (Buffalo Lake South, Buffalo Lake North, Buffalo Pond Northwest, Buffalo Wetland) State of Illinois

Knox County

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- |  |  |
|--|--|
| All Fish                               | • 2 Pole and Line Fishing Only (1)   |
| Large or Smallmouth Bass (14)          | • Protected Slot Length Limit of 14-18"                                    |
|  | • 3 Fish Daily Harvest Limit   |
| Bluegill or Redear Sunfish (14)        | • 25 Fish Daily Harvest Limit  |
| Walleye, Sauger or Hybrid Walleye (14) | • 3 Fish Daily Harvest Limit   |
| Pure Muskellunge                       | • 1 Fish $\geq$ 36" but $<$ 42", or 1 Fish $\geq$ 48" in Total Length (52) |
| White, Black or Hybrid Crappie (15)    | • 25 Fish Daily Harvest Limit with no more than 10 Fish $\geq$ 10"         |
| Channel Catfish                        | • 6 Fish Daily Harvest 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 Harvest Limit           |
| White, Black, or Hybrid Crappie (15)          | • 15 Fish Daily Harvest Limit           |

**Bunker Hill Lake**, City of Bunker Hill

Macoupin County

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

**Burning Star State Fish and Wildlife Area – All lakes and ponds**

Jackson County

- |                                      |  |
|--------------------------------------|--|
| Recreation Use Restrictions          | • Waterfowl Refuge or Hunting Area (all use other than waterfowl hunting from November 1 through the last day in February) |
| All Fish                             | • 2 Pole and Line Fishing Only (1) (5)   |
| Channel Catfish                      | • 6 Fish Daily Harvest Limit   |
| Large or Smallmouth Bass (14)        | • Protected Slot Length Limit with 1 Fish $\geq$ 18" and 5 Fish $<$ 14" (38)   |
| Bluegill or Redear Sunfish (14)      | • 25 Fish Daily Harvest Limit  |
| White, Black, or Hybrid Crappie (15) | • 25 Fish Daily Harvest Limit  |

**Burrells Wood Park Pond**

White County

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Channel Catfish

- 6 Fish Daily Harvest Limit

**Busse Lake (including Busse Lake Spillway and Salt Creek downstream to Arlington Heights Road), Cook County Forest Preserve**

Cook County

Recreational Use Restrictions

- All live bait > 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 Harvest Limit

Channel Catfish

- 6 Fish Daily Harvest Limit

Large or Smallmouth Bass

- 14" Minimum Length Limit

Trout

- Fall Closed Season (10)

Walleye, Sauger, or Hybrid Walleye

- 18" Minimum Length Limit

White, Black, or Hybrid Crappie (15)

- 15 Fish Daily Harvest Limit

Pure Muskellunge

- 42" Minimum Length 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)
- No Seines

**Calhoun Point State Wildlife Management Area (19)**

Calhoun County

**Calumet River**

Cook County

Yellow Perch

- 15 Fish Daily Harvest Limit
- Closed May 1 through June 15

**Campbell Pond State 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)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Channel Catfish • 6 Fish Daily Harvest Limit

**Campus Pond – Eastern Illinois University, State of Illinois**

Coles County

All Fish • 2 Pole and Line Fishing Only (1)  
Channel Catfish • 6 Fish Daily Harvest Limit  
Trout • Fall Closed Season (10)  
• Spring Closed Season (11)

**Canton Lake, City of Canton**

Fulton County

Recreational Use Restrictions • All live bait > 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 Harvest Limit  
Large or Smallmouth Bass (14) • 15" Minimum Length Limit  
• 3 Fish Daily Harvest Limit  
Pure Muskellunge • 42" Minimum Length Limit

**Carbondale City Reservoir, City of Carbondale**

Jackson County

All Fish • 2 Pole and Line Fishing Only (1)  
Large or Smallmouth Bass (14) • 15" Minimum Length Limit  
• 3 Fish Daily Harvest Limit

**Carlinville Lake #1, City of Carlinville**

Macoupin County

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

**Carlinville Lake #2, City of Carlinville**

Macoupin County

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

**Carlton Silt Basin, State of Illinois**

Whiteside County

All Fish • 2 Pole and Line Fishing Only (1)  
Bluegill or Redear Sunfish (14) • 8" Minimum Length Limit

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- Large or Smallmouth Bass
- 10 Fish Daily Harvest Limit
  - 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
- White, Black, or Hybrid Crappie (15)
- 15 Fish Daily Harvest Limit
  - 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 Harvest 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 Harvest Limit of which only 5 Fish  $\geq$  8"
- Channel Catfish
- 6 Fish Daily Harvest Limit
- Large or Smallmouth Bass (14)
- 18" Minimum Length Limit
  - 1 Fish Daily Harvest Limit
- Trout
- Fall Closed Season (10)
  - Spring Closed Season (11)

**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)
- Protected Slot Length Limit with 1 Fish  $\geq$  18" and 5 Fish  $<$  14" (38)
  - 6 Fish Daily Harvest Limit
- Striped, White, or Hybrid Striped Bass (16)
- 17" Minimum Length Limit
  - 3 Fish Daily Harvest Limit
- White, Black, or Hybrid Crappie (15)
- 25 Fish Daily Harvest Limit

**Centennial Park Pond**, Coloma Township Park District

Whiteside County

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Centralia Foundation Park Catfish Pond**, Centralia Park Foundation

Marion County

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

**Centralia Lake**, City of Centralia

Marion County

- Channel Catfish • 6 Fish Daily Harvest Limit
- 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 Harvest Limit
- Sunfish (14)
- Channel Catfish • 6 Fish Daily Harvest Limit
- Large or Smallmouth Bass • 14" Minimum Length Limit
- White, Black, or Hybrid Crappie (15) • 15 Fish Daily Harvest Limit
- Trout • Spring Closed Season (11)

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

Champaign Park District

Champaign County

- All Fish • 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) • 15 Fish Daily Harvest Limit
- Channel Catfish • 3 Fish Daily Harvest Limit
- Large or Smallmouth Bass (14) • 15" Minimum Length Limit
- Trout (Kaufman Lake) • 1 Fish Daily Harvest Limit
- Fall Closed Season (10)
- Spring Closed Season (11)

**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)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- |  |   |
|--|---|
| Channel Catfish                                | • 6 Fish Daily Harvest Limit  |
| Large or Smallmouth Bass                       | • 14" Minimum Length Limit  |
| Striped, White, or Hybrid Striped Bass<br>(16) | • 17" Minimum Length Limit  |
| White, Black, or Hybrid Crappie (15)           | • 3 Fish Daily Harvest Limit  |
|  | • 10 Fish Daily Harvest Limit for Fish < 10"; 10 Fish Daily Harvest Limit for Fish ≥ 10" (23) |

**Charlie Brown Lake & Pond, City of Flora**

Clay County

- |                          |                                    |
|--------------------------|------------------------------------|
| All Fish                 | • 2 Pole and Line Fishing Only (1) |
| Channel Catfish          | • 6 Fish Daily Harvest 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 Harvest Limit       |
| Large or Smallmouth Bass (14) | • 15" Minimum Length Limit         |
|                               | • 1 Fish Daily Harvest 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 Harvest Limit       |
| Large or Smallmouth Bass (14) | • 15" Minimum Length Limit         |
|                               | • 1 Fish Daily Harvest 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 6 through January 31 |
|                               | • Bank fishing will be allowed in selected areas only  |
|                               | • Ice fishing will be allowed following the February 1 reopening   |
| Largemouth Bass               | • 12" Minimum Length Limit   |

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Chenoa City Lake**, City of Chenoa

McLean County

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

**Chicago River** (including its North Branch, South Branch, and the North Shore Channel)

Cook County

- Yellow Perch • 15 Fish Daily Harvest Limit
- Closed May 1 through June 15

**Chillicothe Park District Trails Edge Ponds**, City of Chillicothe

Peoria County

- All Fish • 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) • 25 Fish Daily Harvest Limit
- Channel Catfish • 6 Fish Daily Harvest Limit
- Large or Smallmouth Bass (14) • 18" Minimum Length Limit
- 1 Fish Daily Harvest Limit

**Christopher Old City Lake**, City of Christopher

Franklin County

- All Fish • 2 Pole and Line Fishing Only (1)
- Channel Catfish • 6 Fish Daily Harvest Limit
- Large or Smallmouth Bass (14) • 15" Minimum Length Limit
- 3 Fish Daily Harvest 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 Harvest Limit
- Channel Catfish • 6 Fish Daily Harvest Limit
- Large or Smallmouth Bass (14) • Protected Slot Limit with 1 Fish  $\geq$  15" and/or 5 Fish  $<$  12"
- Trout • 6 Fish Daily Harvest Limit
- Fall Closed Season (10)

**Clear Lake**, Kickapoo State Park

Vermilion County

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- |                                 |   |
|---------------------------------|---|
| All Fish                        | • 2 Pole and Line Fishing Only (1)          |
| Bluegill or Redear Sunfish (14) | • 10 Fish Daily Harvest Limit               |
| Channel Catfish                 | • 6 Fish Daily Harvest Limit                |
| Large or Smallmouth Bass (14)   | • 1 Fish $\geq$ 15" and 2 Fish $<$ 15" (25) |
|                                 | • 3 Fish Daily Harvest Limit                |
| Trout                           | • Fall Closed Season (10)                   |
|                                 | • Spring Closed Season (11)                 |

**Clinton Lake**, Clinton Lake State Recreation Area  
DeWitt County

- |   |   |
|---|---|
| All Fish                                    | • 2 Pole and Line Fishing Only (1) (2) (18) (36)                        |
| Blue or Channel Catfish                     | • 10 Fish Daily Harvest Limit, singly or in the aggregate               |
| Large or Smallmouth Bass (14)               | • 16" Minimum Length Limit  |
|   | • 3 Fish Daily Harvest Limit  |
| Striped, White, or Hybrid Striped Bass (16) | • 10 Fish Daily Harvest Limit, with no more than 3 Fish $\geq$ 17" (17) |
| White, Black, or Hybrid Crappie (15)        | • 15 Fish Daily Harvest Limit   |
|   | • 9" Minimum Length Limit   |
| Walleye                                     | • 3 Fish Daily Harvest Limit  |
|   | • 18" 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)        | • 15" Minimum Length Limit                                 |
|                                      | • 3 Fish Daily Harvest Limit                               |
| White, Black, or Hybrid Crappie      | • 10" Minimum Length Limit                                 |
| White, Black, or Hybrid Crappie (15) | • 10 Fish Daily Harvest Limit                              |

**Coffeen Upland Management Pond**, Coffeen Lake State Fish and Wildlife Area  
Montgomery County

- |                                 |                                    |
|---------------------------------|------------------------------------|
| All Fish                        | • 2 Pole and Line Fishing Only (1) |
| Bluegill or Redear Sunfish (14) | • 10 Fish Daily Harvest Limit      |
| Channel Catfish                 | • 3 Fish Daily Harvest Limit       |
| Large or Smallmouth Bass        | • 1 Fish Daily Harvest Limit       |
|                                 | • 18" Minimum Length Limit         |

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

**Coles County Airport Lake, Coles County Airport**

Coles County

- All Fish
  - Channel Catfish
  - Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
  - 6 Fish Daily Harvest Limit
  - Protected Slot Length Limit with only 1 Fish  $\geq 18"$  and 2 Fish  $< 14"$
  - 3 Fish Daily Harvest Limit (50)

**Columbus Park Lagoon, Chicago Park District**

Cook County

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

**Commissioners Park Pond, Alsip Park District**

Cook County

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

**Conservation World Ponds, Illinois State Fairgrounds**

Sangamon County

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

**Coulterville City Lake, City of Coulterville**

Randolph County

- All Fish
  - Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
  - 15" Minimum Length Limit
  - 3 Fish Daily Harvest Limit

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Channel Catfish • 6 Fish Daily Harvest 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 (14) • 16" Minimum Length Limit  
• 3 Fish Daily Harvest 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)  
Bluegill or Redear Sunfish (14) • 8" Minimum Length Limit  
• 25 Fish Daily Harvest Limit

**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 Harvest Limit  
Large or Smallmouth Bass(14) • Protected Slot Length Limit of 12-15" (3)  
• 6 Fish Daily Harvest Limit

**Crab Orchard National Wildlife Refuge – Visitors Pond**

Williamson County

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

**Crab Orchard National Wildlife Refuge – Restricted Use Area Ponds (30), except Visitor Pond, 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 Harvest Limit  
Large or Smallmouth Bass (14) • 16" Minimum Length Limit  
• 3 Fish Daily Harvest Limit

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Crawford County State Fish and Wildlife Area – Picnic Pond**, Crawford County  
Conservation Area

Crawford County

- |                          |                                    |
|--------------------------|------------------------------------|
| All Fish                 | • 2 Pole and Line Fishing Only (1) |
| Channel Catfish          | • 6 Fish Daily Harvest Limit       |
| Large or Smallmouth Bass | • 15" Minimum Length Limit         |
| Trout                    | • Fall Closed Season (10)          |

**Crawford County State Fish and Wildlife Area Ponds**, Crawford County

Conservation Area

Crawford County

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

**Crull Impoundment State 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 Harvest Limit       |
| Large or Smallmouth Bass        | • 14" Minimum Length Limit         |
| Bluegill or Redear Sunfish (14) | • 10 Fish Daily Harvest Limit      |

**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 Harvest Limit       |
| Large or Smallmouth Bass | • 15" Minimum Length Limit         |

**Cypress Creek National Wildlife Refuge – Cache River**

Fish and Wildlife Service

Johnson/Pulaski Counties

- |          |                                    |
|----------|------------------------------------|
| All Fish | • 2 Pole and Line Fishing Only (1) |
|          | • No Seines                        |

**Dawson Lake & Park Ponds**, Moraine View State Park

McLean County

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- |   |  |
|---|--|
| All Fish  | • 2 Pole and Line Fishing Only (1) (44)  |
| Bluegill or Redear Sunfish (14)   | • 20 Fish, singly or in the aggregate, Daily Harvest Limit with no more than 5 Fish $\geq$ 8"                    |
| Channel Catfish   | • 6 Fish Daily Harvest Limit   |
| Large or Smallmouth Bass (14)   | • 1 Fish $\geq$ 15" and 2 Fish < 15" (25)  |
|   | • 3 Fish Daily Harvest Limit   |
| Walleye, Sauger, or Hybrid Walleye  | • 3 Fish Daily Harvest Limit   |
|   | • 15" Minimum Length Limit with no more than 1 Fish $\geq$ 20"   |
| White, Black, or Hybrid Crappie (15)  | • 15 Fish Daily Harvest Limit  |
| <b>Decatur Park District Pond</b>   |  |
| Macon County  |  |
| All Fish  | • 2 Pole and Line Fishing Only (1)   |
| Channel Catfish   | • 6 Fish Daily Harvest Limit (except for Fairview Park – Dreamland Pond, which has a 3 Fish Daily Harvest Limit) |
| Large or Smallmouth Bass  | • 14" Minimum Length Limit   |
|   | • 1 Fish Daily Harvest Limit   |
| <b>Defiance Lake, Moraine Hills State Park</b>  |  |
| McHenry County  |  |
| All Fish  | • 2 Pole and Line Fishing Only (1)   |
| Channel Catfish   | • 6 Fish Daily Harvest Limit   |
| Large or Smallmouth Bass (14)   | • 14" Minimum Length Limit   |
|   | • 3 Fish Daily Harvest Limit   |
| <b>Des Plaines River Basin</b> (former Hoffman Dam site to 47 <sup>th</sup> Street Bridge, including tributaries) |  |
| Cook County   |  |
| Channel Catfish   | • 15" Minimum Length Limit   |
|   | • 6 Fish Daily Harvest Limit   |
| Large or Smallmouth Bass  | • Catch and Release Only (9)   |
| Northern Pike   | • 30" Minimum Length Limit   |
|   | • 1 Fish Daily Harvest Limit   |
| White, Black or Hybrid Crappie (15)   | • 10 Fish Daily Harvest Limit  |
| Walleye, Sauger, or Hybrid Walleye (14)   | • 18" Minimum Length Limit   |
|   | • 1 Fish Daily Harvest Limit   |

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Diamond Lake, City of Mundelein**

Lake County

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

**Dieterich Park Pond, City of Dieterich**

Effingham County

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

**Dolan Lake, Hamilton County Conservation Area**

Hamilton County

- All Fish
  - Channel Catfish
  - Bluegill or Redear Sunfish (14)
  - Large or Smallmouth Bass (14)
  - White, Black, or Hybrid Crappie (15)
- 2 Pole and Line Fishing Only (1)
  - 6 Fish Daily Harvest Limit
  - 25 Fish Daily Harvest Limit
  - 18" Minimum Length Limit
  - 1 Fish Daily Harvest Limit
  - 25 Fish Daily Harvest Limit with only 10 Fish  $\geq$  10"

**Dongola City Lake, City of Dongola**

Union County

- Largemouth Bass
- 18" Minimum Length Limit
  - 1 Fish Daily Harvest Limit

**Donnelley State Wildlife Area (33)**

Bureau County

**Double "T" State Fish and Wildlife Area, State of Illinois**

Fulton County

- 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)
  -

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- All live bait > 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 Harvest Limit      |
| Channel or Blue Catfish              | • 6 Fish Daily Harvest Limit       |
| Large or Smallmouth Bass (14)        | • 21" Minimum Length Limit         |
|                                      | • 1 Fish Daily Harvest Limit       |
| Pure Muskellunge                     | • 42" Minimum Length Limit         |
| White, Black, or Hybrid Crappie (15) | • 10" Minimum Length Limit         |
|                                      | • 25 Fish Daily Harvest Limit      |

**Douglas Park Lagoon**, Chicago Park District

Cook County

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

**DuPage County Forest Preserve District Lakes and Ponds** (~~excluding Harrier Lake~~), Forest Preserve District of DuPage County

DuPage County

- |   |   |
|---|---|
| All Fish                                | • 2 Pole and Line Fishing Only (1)                                    |
| Bluegill or Redear Sunfish (14)         | • 25 Fish Daily Harvest Limit   |
| Channel Catfish                         | • 6 Fish Daily Harvest Limit  |
|   | • 12" Minimum Length Limit  |
| Large or Smallmouth Bass (14)           | • Protected Slot Length Limit with 1 Fish $\geq$ 18" and 3 Fish < 14" |
|   | • 4 Fish Daily Harvest Limit  |
| Muskellunge                             | • 48" Minimum Length Limit  |
| Walleye, Sauger, or Hybrid Walleye (14) | • 16" Minimum Length Limit  |
|   | • 3 Fish Daily Harvest Limit  |
| White, Black, or Hybrid Crappie (15)    | • 15 Fish Daily Harvest Limit   |
| Yellow Perch                            | • 9" Minimum Length Limit   |
|   | • 5 Fish Daily Harvest Limit  |

~~**DuPage County Forest Preserve District** (Harrier Lake Only), Forest Preserve District of~~~~DuPage County~~~~DuPage County~~

- |  |   |
|--|---|
| <del>All Fish</del>                        | <del>• 2 Pole and Line Fishing Only (1)</del> |
| <del>Bluegill or Redear Sunfish (14)</del> | <del>• 25 Fish Daily Harvest Limit</del>      |
| <del>Channel Catfish</del>                 | <del>• 6 Fish Daily Harvest Limit</del>       |

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

<del>Largemouth Bass</del>	<ul style="list-style-type: none"> <li>• <del>12" Minimum Length Limit</del></li> <li>• <del>Protected Slot Length Limit with 1 Fish <math>\geq</math> 18" and 3 Fish <math>&lt;</math> 14"</del></li> </ul>
<del>Smallmouth Bass</del>	<ul style="list-style-type: none"> <li>• <del>4 Fish Daily Harvest Limit</del></li> <li>• <del>Catch and Release Fishing Only (9)</del></li> </ul>
<del>Walleye, Sauger, or Hybrid Walleye (14)</del>	<ul style="list-style-type: none"> <li>• <del>16" Minimum Length Limit</del></li> <li>• <del>3 Fish Daily Harvest Limit</del></li> </ul>
<del>White, Black, or Hybrid Crappie (15)</del>	<ul style="list-style-type: none"> <li>• <del>15 Fish Daily Harvest Limit</del></li> </ul>
<del>Yellow Perch</del>	<ul style="list-style-type: none"> <li>• <del>9" Minimum Length Limit</del></li> <li>• <del>5 Fish Daily Harvest Limit</del></li> </ul>

**DuPage River – West Branch** (between the former dam sites located in the McDowell Grove Forest Preserve and the Warrenville Grove Forest Preserve)

## DuPage County

- |                          |  |
|--------------------------|--|
| Large or Smallmouth Bass | <ul style="list-style-type: none"> <li>• Catch and Release Fishing Only (9)</li> </ul> |
|--------------------------|--|

**DuQuoin City Lake**, City of DuQuoin

## Perry County

- |                                      |  |
|--------------------------------------|--|
| Channel Catfish                      | <ul style="list-style-type: none"> <li>• 6 Fish Daily Harvest Limit</li> </ul>   |
| Bluegill or Redear Sunfish (14)      | <ul style="list-style-type: none"> <li>• 25 Fish Daily Harvest Limit</li> </ul>  |
| Large or Smallmouth Bass (14)        | <ul style="list-style-type: none"> <li>• 14"-18" Protected Slot Length Limit with only 1 Fish <math>\geq</math> 18" and 5 Fish <math>&lt;</math> 14" (38)</li> </ul> |
| White, Black, or Hybrid Crappie (15) | <ul style="list-style-type: none"> <li>• 25 Fish Daily Harvest Limit</li> </ul>  |

**DuQuoin State Fairgrounds** – All Lakes and Ponds, State of Illinois

## Perry County

- |                                 |  |
|---------------------------------|--|
| All Fish                        | <ul style="list-style-type: none"> <li>• 2 Pole and Line Fishing Only (1)</li> </ul>                               |
| Bluegill or Redear Sunfish (14) | <ul style="list-style-type: none"> <li>• 25 Fish Daily Harvest Limit</li> </ul>                                    |
| Channel Catfish                 | <ul style="list-style-type: none"> <li>• 6 Fish Daily Harvest Limit</li> </ul>                                     |
| Large or Smallmouth Bass        | <ul style="list-style-type: none"> <li>• 3 Fish Daily Harvest Limit</li> <li>• 15" Minimum Length Limit</li> </ul> |

**East Fork Lake**, City of Olney

## Richland County

- |                                      |  |
|--------------------------------------|--|
| All Fish                             | <ul style="list-style-type: none"> <li>• 2 Pole and Line Fishing Only (1)</li> </ul> |
| Bluegill or Redear Sunfish (14)      | <ul style="list-style-type: none"> <li>• 25 Fish Daily Harvest Limit</li> </ul>      |
| Channel Catfish                      | <ul style="list-style-type: none"> <li>• 6 Fish Daily Harvest Limit</li> </ul>       |
| Large or Smallmouth Bass             | <ul style="list-style-type: none"> <li>• 15" Minimum Length Limit</li> </ul>         |
| White, Black, or Hybrid Crappie (15) | <ul style="list-style-type: none"> <li>• 25 Fish Daily Harvest Limit</li> </ul>      |

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Ed Madigan State Park Pond**

Logan County

- |                                 |                                    |
|---------------------------------|------------------------------------|
| All Fish                        | • 2 Pole and Line Fishing Only (1) |
| Bluegill or Redear Sunfish (14) | • 25 Fish Daily Harvest Limit      |
| Channel Catfish                 | • 3 Fish Daily Harvest Limit       |
| Large or Smallmouth Bass        | • 18" Minimum Length Limit         |
| Large or Smallmouth Bass (14)   | • 1 Fish Daily Harvest Limit       |

**Eldon Hazlet State Park** (See Also Carlyle Lake)

Clinton County

**Elliott Lake**, Wheaton Park District

DuPage County

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

**Embarras River Bottoms State Habitat Area**

Lawrence County

- |          |  |
|----------|--|
| All Fish | • 2 Pole and Line Fishing Only (1) (5) |
|----------|--|

**Emiquon Preserve – Thompson Lake**

Fulton County

- |  |                                    |
|--|------------------------------------|
| All Fish   | • 2 Pole and Line Fishing Only (1) |
| Channel Catfish  | • 6 Fish Daily Harvest Limit       |
| Black, White, or Hybrid Crappie (15)   | • 9" Minimum Length Limit          |
|  | • 25 Fish Daily Harvest Limit      |
| Bluegill, Redear, Pumpkinseed Seed,<br>Green, or Orange spotted Sunfish and<br>Hybrid Sunfish (14) | • 25 Fish Daily Harvest Limit      |
| Large or Smallmouth Bass (14)  | • 18" Minimum Length Limit         |
|  | • 1 Fish Daily Harvest Limit       |
| Walleye, Sauger, or Hybrid Walleye (14)  | • 14" Minimum Length Limit         |
|  | • 6 Fish Daily Harvest Limit       |

**Evergreen Lake**, City of Bloomington

McLean County

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- |                                      |   |
|--------------------------------------|---|
| Recreational Use Restrictions        | • All live bait > 8" must be rigged with a quick set rig (43) |
| All Fish                             | • 2 Pole and Line Fishing Only (1) (5)                        |
| Large or Smallmouth Bass             | • 15" Minimum Length Limit                                    |
|                                      | • 3 Fish Daily Harvest Limit                                  |
| Pure Muskellunge                     | • 48" Minimum Length Limit (40)                               |
| Walleye, Sauger, or Hybrid Walleye   | • 18" Minimum Length Limit                                    |
|                                      | • 3 Fish Daily Harvest Limit                                  |
| White, Black, or Hybrid Crappie (15) | • 15 Fish Daily Harvest Limit                                 |

**Fairgrounds Pond** – Fort Massac State Park, State of Illinois

## Massac County

- |                                |                              |
|--------------------------------|------------------------------|
| Largemouth and Smallmouth Bass | • 18" Minimum Length Limit   |
|                                | • 1 Fish Daily Harvest Limit |
| Trout                          | • Fall Closed Season (10)    |
|                                | • Spring Closed Season (11)  |

**Fairview Park – Dreamland Pond**, Decatur Park District

## Macon County

- |                                |                                    |
|--------------------------------|------------------------------------|
| All Fish                       | • 2 Pole and Line Fishing Only (1) |
| Channel Catfish                | • 3 Fish Daily Harvest Limit       |
| Largemouth and Smallmouth Bass | • 14" Minimum Length Limit         |
|                                | • 1 Fish Daily Harvest Limit       |

**Ferne Clyffe Lake**, Ferne Clyffe State Park

## Johnson County

- |                 |                                    |
|-----------------|------------------------------------|
| All Fish        | • 2 Pole and Line Fishing Only (1) |
| Channel Catfish | • 6 Fish Daily Harvest Limit       |
| Trout           | • Fall Closed Season (10)          |
|                 | • Spring Closed Season (11)        |

**Flatfoot 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 Harvest Limit           |
| Channel Catfish                               | • 6 Fish Daily Harvest Limit            |

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- Large or Smallmouth Bass
  - White, Black, or Hybrid Crappie (15)
- 14" Minimum Length Limit
  - 15 Fish Daily Harvest Limit

**Fletcher Park Pond**, City of Mt. Zion

Macon County

- All Fish
  - Channel Catfish
  - Bluegill or Redear Sunfish (14)
  - Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
  - 3 Fish Daily Harvest Limit
  - 5 Fish Daily Harvest Limit
  - 18" Minimum Length Limit
  - 1 Fish Daily Harvest Limit

**Foli Park Pond**, Village of Plano

Kendall County

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

- All Fish
  - Recreation Use Restrictions
  - Channel Catfish
  - Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1) (5)
  - Waterfowl Refuge or Hunting Area (33)
  - 6 Fish Daily Harvest Limit
  - 14" Minimum Length Limit
- 
- Striped, White, or Hybrid Striped Bass (16)
- 6 Fish Daily Harvest Limit
  - 17" Minimum Length Limit
  - 3 Fish Daily Harvest Limit

**Forbes State Park Ponds**, Stephen A. Forbes State Park

Marion County

- All Fish
  - Channel Catfish
  - Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1) (5)
  - 6 Fish Daily Harvest Limit
  - 14" Minimum Length Limit

**Forest Park Lagoon**, City of Shelbyville

Shelby County

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- |                 |                                    |
|-----------------|------------------------------------|
| All Fish        | • 2 Pole and Line Fishing Only (1) |
| Channel Catfish | • 6 Fish Daily Harvest Limit       |
| Trout           | • Fall Closed Season (10)          |
|                 | • Spring Closed Season (11)        |

**Forest Preserve District of Kane County Lakes and Ponds**Kane County

- |  |  |
|--|--|
| <u>Largemouth Bass</u>                     | • <u>14-18" Protected Slot Length Limit with 3 fish &lt; 14" and 1 fish &gt; 18" Harvest Limit</u> |
|  | • <u>4 Fish Daily Harvest Limit</u>  |
| <u>White, Black or Hybrid Crappie (14)</u> | • <u>10 Fish Daily Harvest Limit</u>   |
| <u>Bluegill</u>                            | • <u>10 Fish Daily Harvest Limit</u>   |
| <u>Smallmouth Bass</u>                     | • <u>Catch and Release Fishing Only</u>  |
| <u>Northern Pike</u>                       | • <u>14" Minimum Length Limit</u>  |
|  | • <u>1 Fish Daily Harvest Limit</u>  |
| <u>Channel Catfish</u>                     | • <u>3 Fish Daily Harvest Limit</u>  |

**Four Lakes, Winnebago County Forest Preserve**

## Winnebago County

- |                               |                                    |
|-------------------------------|------------------------------------|
| All Fish                      | • 2 Pole and Line Fishing Only (1) |
| Channel Catfish               | • 6 Fish Daily Harvest Limit       |
| Large or Smallmouth Bass (14) | • 14" Minimum Length Limit         |
|                               | • 1 Fish Daily Harvest Limit       |
| Trout                         | • Spring Closed Season (11)        |
|                               | • Fall Closed Season (10)          |

**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 > 8" must be rigged with a quick set rig (43)                                    |
| All Fish                      | • 2 Pole and Line Fishing Only (1) on State Park property bordering the Fox River and Grass Lake |
| Flathead Catfish              | • 1 Fish $\geq$ 28" and/or 2 Fish $\leq$ 28" per day   |

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Large or Smallmouth Bass (14)
  - 3 Fish Daily Harvest Limit
  - 14" Minimum Length Limit (6)
  - 6 Fish Daily Harvest 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)
  - 14" Minimum Length Limit with an 18-24" Protected Slot Length Limit (no possession) (6)
  - 4 Fish Daily Harvest Limit of which only 1 can be  $\geq 24"$  (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

- Flathead Catfish
  - 1 Fish  $\geq 28"$  and/or 2 Fish  $< 28"$
  - 3 Fish Daily Harvest Limit
- Smallmouth Bass
  - 1 Fish  $\geq 12"$  and 2 Fish  $< 12"$
  - 3 Fish Daily Harvest Limit

**Fox River** (at Moraine Hills State Park and Dam and on Bolger Lock and Dam Properties), State of Illinois  
McHenry County

- All 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 Preserve  
Lake County

- All Fish
  -

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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 District

Kane and DuPage Counties

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

**Frank Holten Lakes**, Frank Holten State Park

St. Clair County

- |                          |  |
|--------------------------|--|
| All Fish                 | • 2 Pole and Line Fishing Only (1) (5) |
| Channel Catfish          | • 6 Fish Daily Harvest Limit           |
| Large or Smallmouth Bass | • 14" Minimum Length Limit             |
| Trout                    | • Fall Closed Season (10)              |
|                          | • Spring Closed Season (11)            |

**Franklin Creek** (within the boundaries of Franklin Creek State Natural Area)

Lee County

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

**Franklin Creek Mill Pond** – Franklin Creek State Park, State of Illinois

Lee County

- |                               |                                    |
|-------------------------------|------------------------------------|
| All Fish                      | • 2 Pole and Line Fishing Only (1) |
| Large or Smallmouth Bass (14) | • 15" Minimum Length Limit         |
|                               | • 1 Fish Daily Harvest Limit       |

**Fuller Lake** (19)

Calhoun County

**Fulton County Camping and Recreation Area Waters**, Fulton County Board

Fulton County

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- Recreational Use Restrictions
- All live bait > 8" must be rigged with a quick set rig (43)
- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Harvest Limit
- Large or Smallmouth Bass (14)
- Protected Slot Length Limit with no possession of Fish < 15" and  $\geq$  12" (3)
  - 3 Fish Daily Harvest Limit
- Pure Muskellunge
- 42" Minimum Length Limit
- Bluegill or Redear Sunfish (14)
- 25 Fish Daily Harvest Limit

**Gages Lake**, Wildwood Park District

Lake County

- Large or Smallmouth Bass (14)
- 15" Minimum Length Limit
  - 3 Fish Daily Harvest Limit
- Walleye, Sauger, or Hybrid Walleye (14)
- 16" Minimum Length Limit
  - 3 Fish Daily Harvest Limit

**Garfield Park Lagoon**, Chicago Park District

Cook County

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

**Gebhard Woods Pond**, Gebhard Woods State Park

Grundy County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Harvest Limit
- Large or Smallmouth Bass
- 15" Minimum Length Limit
- Trout
- Spring Closed Season (11)

**Germantown Lake**, City of Germantown

Clinton County

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

**Giant City Park Ponds**, Giant City State Park

Jackson and Union Counties

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- |                             |                                    |
|-----------------------------|------------------------------------|
| All Fish                    | • 2 Pole and Line Fishing Only (1) |
| Channel Catfish             | • 6 Fish Daily Harvest Limit       |
| Largemouth and Spotted Bass | • 15" Minimum Length Limit         |

**Gillespie New City Lake**, City of Gillespie

Macoupin County

- |                               |  |
|-------------------------------|--|
| All Fish                      | • 2 Pole and Line Fishing Only (1)   |
| Channel Catfish               | • 6 Fish Daily Harvest Limit   |
| Large or Smallmouth Bass (14) | • Protected Slot Length Limit with no possession of Fish < 15" and ≥ 12" (3) |
|                               | • 3 Fish Daily Harvest Limit   |

**Gillespie Old City Lake**, City of Gillespie

Macoupin County

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

**Glades – 12 Mile Island Wildlife Management Area** (19)

Jersey County

**Gladstone Lake**, Henderson County Conservation Area

Henderson County

- |                                 |                                    |
|---------------------------------|------------------------------------|
| All Fish                        | • 2 Pole and Line Fishing Only (1) |
| Bluegill or Redear Sunfish (14) | • 10 Fish Daily Harvest Limit      |
| Channel or Blue Catfish (14)    | • 6 Fish Daily Harvest Limit       |
| Large or Smallmouth Bass (14)   | • 1 Fish ≥ 15" and/or 2 Fish < 12" |
|                                 | • 3 Fish Daily Harvest Limit       |
| Pure Muskellunge                | • 48" Minimum Length Limit         |
|                                 | • 1 Fish Daily Harvest Limit       |

**Glen O Jones Lake Trout Pond**, Saline County Conservation Area

Saline County

- |       |                           |
|-------|---------------------------|
| Trout | • Fall Closed Season (10) |
|-------|---------------------------|

**Glen O Jones State Lake**, Saline County Conservation Area

Saline County

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- Channel Catfish  
Large or Smallmouth Bass (14)
- 6 Fish Daily Harvest Limit
  - Protected Slot Length Limit with only 1 Fish  $\geq$  18" and 5 Fish  $<$  14" (38)
  - 6 Fish Daily Harvest Limit

**Glen Oak Park Lagoon**, Peoria Park District  
Peoria County

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

**Glen Shoals Lake**, City of Hillsboro  
Montgomery County

- All Fish  
Channel Catfish  
Large or Smallmouth Bass  
  
Striped, White, or Hybrid Striped Bass  
(16)
- 2 Pole and Line Fishing Only (1) (5)
  - 6 Fish Daily Harvest Limit
  - 15" Minimum Length Limit
  - 3 Fish Daily Harvest Limit
  - 17" Minimum Length Limit
  - 3 Fish Daily Harvest Limit

**Godar-Diamond/Hurricane Island Wildlife Management Area** (19)  
Calhoun County

**Gompers Park Lagoon**, Chicago Park District  
Cook County

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

**Gordon F. More Park Lake**, City of Alton  
Madison County

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

**Governor Bond Lake**, City of Greenville  
Bond County

- Channel Catfish
- All jugs must be attended at all times while fishing (2)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- |   |                               |
|---|-------------------------------|
| Large or Smallmouth Bass (14)               | • 15" Minimum Length Limit    |
|   | • 3 Fish Daily Harvest Limit  |
| Striped, White, or Hybrid Striped Bass (16) | • 17" Minimum Length Limit    |
|   | • 3 Fish Daily Harvest Limit  |
| White, Black, or Hybrid Crappie (15)        | • 25 Fish Daily Harvest Limit |

**Grayslake Park District (Grayslake and Park Ponds), City of Grayslake**

## Lake County

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

**Green Lake, Cook County Forest Preserve**

## Cook County

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

**Greenfield City Lake, City of Greenfield**

## Greene County

- |                                 |  |
|---------------------------------|--|
| All Fish                        | • 2 Pole and Line Fishing Only (1)           |
| Bluegill or Redear Sunfish (14) | • 25 Fish Daily Harvest Limit                |
| Channel Catfish                 | • 6 Fish Daily Harvest Limit                 |
| Large or Smallmouth Bass (12)   | • 1 Fish $\geq$ to 15" and/or 5 Fish $<$ 12" |
|                                 | • 6 Fish Daily Harvest Limit                 |

**Greenville Old City Lake, Kingsbury Park District**

## Bond County

- |                               |                                    |
|-------------------------------|------------------------------------|
| All Fish                      | • 2 Pole and Line Fishing Only (1) |
| Channel Catfish               | • 6 Fish Daily Harvest Limit       |
| Trout                         | • Fall Closed Season (10)          |
| Large or Smallmouth Bass (14) | • 15" Minimum Length Limit         |
|                               | • 3 Fish Daily Harvest Limit       |

**Hanover Lake – Apple River Canyon State Park, State of Illinois**

## Jo Daviess County

- |                                 |                                    |
|---------------------------------|------------------------------------|
| All Fish                        | • 2 Pole and Line Fishing Only (1) |
| Bluegill or Redear Sunfish (14) | • 25 Fish Daily Harvest Limit      |
| Channel Catfish                 | • 6 Fish Daily Harvest Limit       |

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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

**Harrisburg New City Reservoir**, City of Harrisburg

## Saline County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Harvest Limit
- Striped, White, or Hybrid Striped Bass (16)
- 17" Minimum Length Limit
  - 3 Fish Daily Harvest Limit

**Heidecke Lake**, Heidecke Lake State Fish and Wildlife Area

## Grundy 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 > 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 Harvest Limit
- Channel Catfish
- 6 Fish Daily Harvest Limit
- Large or Smallmouth Bass (14)
- Protected Slot Length Limit with only 1 Fish  $\geq 18$ " and 2 Fish  $< 12$ " (46)
  - 3 Fish Daily Harvest Limit
- Pure Muskellunge
- 48" Minimum Length Limit
- Striped, White, or Hybrid Striped Bass (16)
- 10 Fish Daily Harvest Limit with no more than 3 Fish  $\geq 17$ " (17)
- Walleye, Sauger, or Hybrid Walleye (14)
- 16" Minimum Length Limit
  - 3 Fish Daily Harvest Limit

**Heiland Lakes**, Kankakee River Valley Forest Preserve District

## Kankakee County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish
- 15 Fish Daily Harvest Limit, singly or in the aggregate

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- |                          |                              |
|--------------------------|------------------------------|
| Channel Catfish          | • 3 Fish Daily Harvest Limit |
| Large or Smallmouth Bass | • 18" Minimum Length Limit   |
|                          | • 1 Fish Daily Harvest Limit |

**Helmbold Slough (19)**

Calhoun County

**Henderson Creek State Fish and Wildlife Area**

Henderson County

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 Park**

Multiple Counties

- |                          |   |
|--------------------------|---|
| All Fish                 | • 2 Pole and Line Fishing Only (1) (13) |
| Large or Smallmouth Bass | • 14" Minimum Length Limit              |
| Trout                    | • Fall Closed Season (10)               |
|                          | • Spring Closed Season (11)             |

**Hennepin-Hopper Lakes, The Wetlands Initiative**

Putnam County

Recreational Use Restrictions

- |                                     |  |
|-------------------------------------|--|
| All Fish                            | • All live bait greater than 8" must be rigged with a quick set rig (43) |
| Black, White or Hybrid Crappie (15) | • 2 Pole and Line Fishing Only (1)                                       |
|                                     | • 9" Minimum Length Limit  |
|                                     | • 25 Fish Daily Harvest Limit  |
| Channel Catfish                     | • 6 Fish Daily Harvest Limit   |
| Large or Smallmouth Bass (14)       | • 15" Minimum Length Limit   |
|                                     | • 3 Fish Daily Harvest Limit   |
| Pure Muskellunge                    | • 42" Minimum Length Limit   |

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- Walleye, Sauger, or Hybrid Walleye  
(14)
- 18" Minimum Length Limit
  - 3 Fish Daily Harvest Limit

**Heritage Quarries, City of Lemont**

## Will County

- Black, White or Hybrid Crappie
- 15 Fish Daily Harvest Limit
- Bluegill or Redear Sunfish
- 15 Fish Daily Harvest Limit
- Large or Smallmouth Bass
- 3 Fish Daily Harvest Limit
  - 14" Minimum Length Limit

**Herrin Lake #1, City of Herrin**

## Williamson County

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

**Herrin Lake #2, City of Herrin**

## Williamson County

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

**Heyworth Centennial Lake, City of Heyworth**

## McLean County

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

**Hidden Springs State Forest Pond, Hidden Springs State Forest**

## Shelby County

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Highland Old City Lake**, City of Highland

Madison County

- |                               |                                    |
|-------------------------------|------------------------------------|
| All Fish                      | • 2 Pole and Line Fishing Only (1) |
| Channel Catfish               | • 6 Fish Daily Harvest Limit       |
| Large or Smallmouth Bass (14) | • 15" Minimum Length Limit         |
|                               | • 3 Fish Daily Harvest Limit       |
| Trout                         | • Fall Closed Season (10)          |

**Hillsboro Old City Lake**, City of Hillsboro

Montgomery County

- |                          |  |
|--------------------------|--|
| All Fish                 | • 2 Pole and Line Fishing Only (1)   |
| Channel Catfish          | • 6 Fish Daily Harvest Limit   |
| Large or Smallmouth Bass | • Protected Slot Length Limit with no possession of Fish < 15" and ≥ 12" (3) |
|                          | • 3 Fish Daily Harvest Limit   |

**Homer Guthrie Pond** – Eldon Hazlet State Park, State of Illinois

Clinton County

- |                                 |                                    |
|---------------------------------|------------------------------------|
| All Fish                        | • 2 Pole and Line Fishing Only (1) |
| Channel Catfish                 | • 6 Fish Daily Harvest Limit       |
| Bluegill or Redear Sunfish (14) | • 10 Fish Daily Harvest Limit      |
| Large or Smallmouth Bass (14)   | • 18" Minimum Length Limit         |
|                                 | • 1 Fish Daily Harvest Limit       |

**Homer Lake**, Champaign County Forest Preserve District

Champaign County

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

**Hormel Pond**, Donnelly State Fish and Wildlife Area

Bureau County

- |                          |  |
|--------------------------|--|
| All Fish                 | • 2 Pole and Line Fishing Only (1) (5) |
| Channel Catfish          | • 6 Fish Daily Harvest Limit           |
| Large or Smallmouth Bass | • 14" Minimum Length Limit             |

**Horseshoe Lake** – Alexander Co., Horseshoe Lake Conservation Area

Alexander County

- |                               |   |
|-------------------------------|---|
| Recreational Use Restrictions | • |
|-------------------------------|---|

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- |                          |   |
|--------------------------|---|
|                          | Only trolling motors in refuge from<br>October 15-March 1 |
| All Fish                 | • 2 Pole and Line Fishing Only (1) (5)                    |
| Channel Catfish          | • 6 Fish Daily Harvest Limit                              |
| Large or Smallmouth Bass | • 14" Minimum Length Limit                                |

**Horseshoe Lake – Madison County**, Horseshoe Lake State Park (19)

## Madison County

- |                                      |   |
|--------------------------------------|---|
| All Fish                             | • 2 Pole and Line Fishing Only (1) (5) (28) |
| Large or Smallmouth Bass (14)        | • 15" Minimum Length Limit                  |
|                                      | • 3 Fish Daily Harvest Limit                |
| White, Black, or Hybrid Crappie (15) | • 25 Fish Daily Harvest Limit               |

**Horsetail Lake**, Cook County Forest Preserve District

## Cook County

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

**Horton Lake**, Nauvoo State Park

## Hancock County

- |                          |  |
|--------------------------|--|
| All Fish                 | • 2 Pole and Line Fishing Only (1)   |
| Channel Catfish          | • 6 Fish Daily Harvest Limit   |
| Trout                    | • Fall Closed Season (10)  |
|                          | • <del>No harvest with Hook and Line; Catch and Release Fly Fishing Permitted</del> is permitted (9) |
|                          | • Spring Closed Season (11)  |
|                          | • <del>No harvest with Hook and Line; Catch and Release Fly Fishing Permitted</del> is permitted (9) |
| Large or Smallmouth Bass | • 18" Minimum Length Limit   |
|                          | • 1 Fish Daily Harvest Limit   |

**Humbolt Park Lagoon**, Chicago Park District

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

## Cook County

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

**Hurricane Pond**, Fox Ridge State Park

## Coles County

- All Fish • 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) • 5 Fish Daily Harvest Limit
- Channel Catfish • 6 Fish Daily Harvest Limit
- Large or Smallmouth Bass (14) • 18" Minimum Length Limit
- 1 Fish Daily Harvest Limit

**Illinois & Michigan Canal**, State of Illinois

## Grundy/LaSalle/ Will Counties

- All Fish • 2 Pole and Line Fishing Only (1)
- Channel Catfish • 6 Fish Daily Harvest Limit
- Large or Smallmouth Bass • 15" Minimum Length Limit
- Trout • Spring Closed Season (11)
- Fall Closed Season (10)

**Illinois Beach State Park Ponds**, Illinois Beach State Park

## Lake County

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

**Illinois Department of Transportation Lake**, State of Illinois

## Sangamon County

- All Fish • 2 Pole and Line Fishing Only (1)
- Channel Catfish • 6 Fish Daily Harvest Limit
- Large or Smallmouth Bass • 15" Minimum Length Limit
- Trout • Fall Closed Season (10)
- Catch and Release~~No harvest with Hook and Line~~; Fly-Fishing is permitted (9)
- Spring Closed Season (11)
- Catch and Release~~No harvest with Hook and Line~~; Fly-Fishing is permitted (9)

**Illinois River – Pool 26** (19)

## Calhoun County

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Illinois River – Starved Rock Pool**

LaSalle and Grundy Counties

- |                                      |                               |
|--------------------------------------|-------------------------------|
| Large or Smallmouth Bass (14)        | • 18" Minimum Length Limit    |
|                                      | • 1 Fish Daily Harvest Limit  |
| White, Black, or Hybrid Crappie (15) | • 10 Fish Daily Harvest Limit |

**Illinois River – State of Illinois**

Multiple Counties

- |                          |                            |
|--------------------------|----------------------------|
| Large or Smallmouth Bass | • 12" Minimum Length Limit |
|--------------------------|----------------------------|

**Indian Boundary South Pond, Frankfort Square Park District**

Will County

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

**Iroquois & Kankakee Rivers and their Tributaries, State of Illinois**

Multiple Counties

- |  |  |
|--|--|
| Walleye, Sauger, and Hybrid Walleye (14) | • 14" Minimum Length Limit   |
|  | • Protected Slot Length Limit with no possession of Fish < 26" and ≥ 18" |
|  | • 3 Fish Daily Harvest Limit of which only 1 Fish can be ≥ 26" (47)      |

**Island Pond, Boone County Conservation District**

Boone County

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

**Jackson Park (Columbia Basin) Lagoon, Chicago Park District**

Cook County

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

**Jericho Lake, Fox Valley Park District**

Kane County

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- |                                      |                               |
|--------------------------------------|-------------------------------|
| Channel Catfish                      | • 3 Fish Daily Harvest Limit  |
| Large or Smallmouth Bass (14)        | • 15" Minimum Length Limit    |
|                                      | • 1 Fish Daily Harvest Limit  |
| Black, White, or Hybrid Crappie (15) | • 9" Minimum Length Limit     |
|                                      | • 15 Fish Daily Harvest Limit |

**Jim Edgar/Panther Creek State Fish and Wildlife Area**, All Lakes and Ponds, Jim Edgar/Panther Creek Fish and Wildlife Area  
Cass County

- |                               |  |
|-------------------------------|--|
| Recreational Use Restrictions | • All live bait $\geq$ 8" must be rigged with a quick set rig (43) |
| All Fish                      | • 2 Pole and Line Fishing Only (1)                                 |
| Channel Catfish               | • 6 Fish Daily Harvest Limit                                       |
| Large or Smallmouth Bass (14) | • 15" Minimum Length Limit   |
|                               | • 3 Fish Daily Harvest Limit                                       |
| Pure Muskellunge              | • 48" Minimum Length Limit   |

**Jim Edgar/Panther Creek State Fish and Wildlife Area – Drake Lake**, Jim Edgar/Panther Creek Fish and Wildlife Area  
Cass County

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

**Jim Edgar/Panther Creek State Fish and Wildlife Area – Gridley Road Lake**, Jim Edgar/Panther Creek Fish and Wildlife Area  
Cass County

- |                               |   |
|-------------------------------|---|
| All Fish                      | • 2 Pole and Line Fishing Only (1)  |
| Channel Catfish               | • 6 Fish Daily Harvest Limit  |
| Large or Smallmouth Bass (14) | • 15" Minimum Length Limit  |
|                               | • 3 Fish Daily Harvest Limit  |
| Trout                         | • Spring Closed Season (11)   |
|                               | • <del>No harvest with Hook and Line;</del> Catch and Release <del>Fly</del> Fishing <u>Permitted</u> (9) |
|                               | • Fall Closed Season (10)   |
|                               | • <del>No harvest with Hook and Line;</del> Catch and Release <del>Fly</del> Fishing <u>Permitted</u> (9) |

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Johnson Sauk Trail Lake & Pond, Johnson Sauk Trail State Park**

Henry County

- |                               |   |
|-------------------------------|---|
| Recreational Use Restrictions | • All live bait > 8" must be rigged with a quick set rig (43) |
| All Fish                      | • 2 Pole and Line Fishing Only (1)                            |
| Channel Catfish               | • 6 Fish Daily Harvest Limit                                  |
| Large or Smallmouth Bass      | • 14" Minimum Length Limit                                    |

**Jones Park Lake, City of East St. Louis**

St. Clair County

- |                 |                                    |
|-----------------|------------------------------------|
| All Fish        | • 2 Pole and Line Fishing Only (1) |
| Channel Catfish | • 6 Fish Daily Harvest Limit       |
| Trout           | • Fall Closed Season (10)          |
|                 | • Spring Closed Season (11)        |

**Jubilee College State Park Pond, Jubilee College State Park**

Peoria County

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

**Kankakee-Iroquois Rivers and their Tributaries, State of Illinois**

Multiple Counties

- |  |  |
|--|--|
| Walleye, Sauger, and Hybrid Walleye (14) | • 14" Minimum Length Limit   |
|  | • Protected Slot Length Limit with no possession of Fish < 26" and ≥ 18" |
|  | • 3 Fish Daily Harvest Limit of which only 1 Fish can be ≥ 26" (47)      |

**Kankakee River, from the Kankakee Dam to the Wilmington Dam on the Kankakee River, including tributaries, State of Illinois**

Multiple Counties

- |                 |  |
|-----------------|--|
| Smallmouth Bass | • Protected Slot Length Limit with only 1 Fish greater than or equal to 18" and 2 Fish less than 12" |
|                 | • 3 Fish Daily Harvest Limit (37)  |

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Kaskaskia River State 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 Harvest Limit      |
| Channel Catfish                 | • 6 Fish Daily Harvest Limit       |
| Large or Smallmouth Bass (14)   | • 14" Minimum Length Limit         |
|                                 | • 3 Fish Daily Harvest Limit       |

**Kent Creek**

## Winnebago County

## Trout

- Catch and Release Fishing Only (9)
- ~~Fly Fishing is permitted (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 Harvest Limit               |
| Channel Catfish                 | • 6 Fish Daily Harvest Limit                |
| Large or Smallmouth Bass (14)   | • 1 Fish $\geq$ 15" and 2 Fish $<$ 15" (25) |
|                                 | • 3 Fish Daily Harvest Limit                |

**Kincaid City Reservoir**, City of Kincaid

## Christian County

- |                          |  |
|--------------------------|--|
| All Fish                 | • 2 Pole and Line Fishing Only (1) (5) |
| Channel Catfish          | • 6 Fish Daily Harvest Limit           |
| Large or Smallmouth Bass | • 15" Minimum Length Limit             |

**King Park Lagoon**, City of Pittsfield

## Pike County

- |                 |                                    |
|-----------------|------------------------------------|
| All Fish        | • 2 Pole and Line Fishing Only (1) |
| Channel Catfish | • 6 Fish Daily Harvest Limit       |
| Trout           | • Spring Closed Season (11)        |
|                 | • Fall Closed Season (10)          |

**Kinkaid Lake**, Kinkaid Lake State Fish and Wildlife Area

## Jackson County

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- |                                      |   |
|--------------------------------------|---|
| Recreational Use Restrictions        | • All live bait > 8" must be rigged with a quick set rig (43) |
| Large or Smallmouth Bass (14)        | • 16" Minimum Length Limit                                    |
| Pure Muskellunge                     | • 3 Fish Daily Harvest Limit                                  |
| White, Black, or Hybrid Crappie (15) | • 48" Minimum Length Limit (40)                               |
|                                      | • 9" Minimum Length Limit                                     |
|                                      | • 25 Fish Daily Harvest Limit                                 |

**Kinmundy Reservoir**, City of Kinmundy

Marion County

- |                 |  |
|-----------------|--|
| All Fish        | • 2 Pole and Line Fishing Only (1) (5) |
| Channel Catfish | • 6 Fish Daily Harvest Limit           |

**Kishwaukee River and South Branch of Kishwaukee River and Tributaries**, State of Illinois

Multiple Counties

- |                 |                            |
|-----------------|----------------------------|
| Smallmouth Bass | • 14" Minimum Length Limit |
|-----------------|----------------------------|

**Lake Atwood**, McHenry County Conservation District

McHenry County

- |                               |                                    |
|-------------------------------|------------------------------------|
| All Fish                      | • 2 Pole and Line Fishing Only (1) |
| Channel Catfish               | • 6 Fish Daily Harvest Limit       |
| Large or Smallmouth Bass (14) | • 15" Minimum Length Limit         |
|                               | • 1 Fish Daily Harvest 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 Harvest Limit  |
| Large or Smallmouth Bass                    | • 15" Minimum Length Limit   |
|   | • 3 Fish Daily Harvest Limit   |
| Striped, White, or Hybrid Striped Bass (16) | • 10 Fish Daily Harvest Limit with no more than 3 Fish $\geq$ 17" (17) |
| White, Black, or Hybrid Crappie (15)        | • 15 Fish Daily Harvest Limit  |
| Walleye                                     | • 3 Fish Daily Harvest Limit   |
|   | • 18" Minimum Length Limit   |

**Lake Carlton**, Morrison-Rockwood State Park

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Whiteside County**

- |                                      |   |
|--------------------------------------|---|
| Recreational Use Restrictions        | • All live bait > 8" must be rigged with a quick set rig (43) |
| All Fish                             | • 2 Pole and Line Fishing Only (1)                            |
| Channel Catfish                      | • 6 Fish Daily Harvest Limit                                  |
| Large or Smallmouth Bass (14)        | • 1 Fish Daily Harvest Limit                                  |
|                                      | • 14" Minimum Length Limit                                    |
| Pure Muskellunge                     | • 36" Minimum Length Limit                                    |
| White, Black, or Hybrid Crappie (15) | • 25 Fish Daily Harvest 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 Harvest Limit      |
| Channel Catfish                      | • 3 Fish Daily Harvest Limit       |
| Large or Smallmouth Bass (14)        | • 18" Minimum Length Limit         |
|                                      | • 1 Fish Daily Harvest Limit       |
| White, Black, or Hybrid Crappie (15) | • 15 Fish Daily Harvest 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 Harvest Limit       |
| Large Smallmouth Bass (14)         | • 1 Fish Daily Harvest Limit       |
|                                    | • 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 (15) | • 10" Minimum Length Limit                   |
|                                      | • 10 Fish Daily Harvest 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
  - Channel Catfish
  - Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
  - 6 Fish Daily Harvest Limit
  - 6 Fish Daily Harvest Limit

**Lake George**, Loud Thunder Forest Preserve

Rock Island County

- Recreational Use Restrictions
  - All Fish
  - Channel Catfish
  - Large or Smallmouth Bass
  - Pure Muskellunge
  - Striped, White, or Hybrid Striped Bass (16)
  - White, Black, or Hybrid Crappie (15)
- All live bait > 8" must be rigged with a quick set rig (43)
  - 2 Pole and Line Fishing Only (1)
  - 6 Fish Daily Harvest Limit
  - 14" Minimum Length Limit
  - 36" Minimum Length Limit
  - 17" Minimum Length Limit
  - 1 Fish Daily Harvest Limit
  - 25 Fish Daily Harvest Limit

**Lake Jacksonville**, City of Jacksonville

Morgan County

- All Fish
  - Channel Catfish
  - Large or Smallmouth Bass (14)
  - Striped, White, or Hybrid Striped Bass (16)
  - White, Black, or Hybrid Crappie (15)
- 2 Pole and Line Fishing Only (1) (29)
  - 6 Fish Daily Harvest Limit
  - Protected Slot Length Limit of 14-18"
  - 3 Fish Daily Harvest Limit
  - 17" Minimum Length Limit
  - 3 Fish Daily Harvest Limit
  - 25 Fish Daily Harvest Limit, singly or in the aggregate, with no more than 10 Fish  $\geq 10$ "

**Lake Kakusha**, City of Mendota

LaSalle County

- All Fish
  - Channel Catfish
  - Large or Smallmouth Bass (14)
  - White, Black, or Hybrid Crappie (15)
- 2 Pole and Line Fishing Only (1)
  - 6 Fish Daily Harvest Limit
  - 14" Minimum Length Limit
  - 3 Fish Daily Harvest Limit
  - 25 Fish Daily Harvest Limit

**Lake Le-Aqua-Na Kids Only Fishing Pond**, Lake Le-Aqua-Na State Park

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

## Stephenson County

## Recreational Use Restrictions

- Only kids under 16 years of age permitted to fish

## Channel Catfish

- 1 Fish Daily Harvest Limit

## Bluegill or Redear Sunfish and Their Hybrids

- 10 Fish Daily Harvest 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 Harvest Limit

## Large or Smallmouth Bass (14)

- 1 Fish Daily Harvest Limit

- 14" Minimum Length Limit

## White, Black, or Hybrid Crappie (15)

- 10 Fish Daily Harvest Limit

**Lake Lou Yaeger**, City of Litchfield

## Montgomery County

## All Fish

- 2 Pole and Line Fishing Only (1)

## Channel Catfish

- 6 Fish Daily Harvest Limit

## Large or Smallmouth Bass (14)

- 15" Minimum Length Limit

- 3 Fish Daily Harvest Limit

**Lake Mattoon**, City of Mattoon

## Coles/Cumberland/Shelby Counties

## All Fish

- 2 Pole and Line Fishing only (1)

## Large or Smallmouth Bass (14)

- 14" Minimum Length Limit

## Channel Catfish

- 6 Fish Daily Harvest Limit

**Lake Mendota**, City of Mendota

## LaSalle County

## All Fish

- 2 Pole and Line Fishing Only (1)

## Channel Catfish

- 6 Fish Daily Harvest Limit

## Large or Smallmouth Bass (14)

- Protected Slot Length Limit with only 1 Fish greater than or equal to 15" and/or 2 less than 12" (31)

## Trout

- 3 Fish Daily Harvest Limit

- Spring Closed Season (11)

**Lake Michigan** (Illinois Portion) (49), State of Illinois

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

## Lake/Cook Counties

## Recreational Use Restriction

- All devices used for sport fishing on Lake Michigan must be attended at all times

## Trout and Salmon

- 10" Minimum Length Limit
- 5 Fish Daily Harvest, singly or in the aggregate, except for Lake Trout

## Lake Trout

- 2 Fish Daily Harvest Limit

Yellow Perch [\(53\)](#)

- 15 Fish Daily Harvest Limit

## Large or Smallmouth Bass (14)

- Closed May 1 through June 15

- 21" Minimum Length Limit

- 1 Fish Daily Harvest Limit

## Lake Whitefish and Round Whitefish

- 12 Fish (in the aggregate) Daily Harvest Limit

**Lake Milliken**, Des Plaines Conservation Area

## Will County

## All Fish

- 2 Pole and Line Fishing Only (1)

## Channel Catfish

- 6 Fish Daily Harvest Limit

## Large or Smallmouth Bass

- Catch and Release Fishing Only

## Trout

- Spring Closed Season (11)

**Lake Mingo & Kennekuk Cove Park Ponds**, Vermilion County Conservation Area

## Vermilion County

## All Fish

- 2 Pole and Line Fishing Only (1) (44)

## Bluegill or Redear Sunfish (14)

- 20 Fish Daily Harvest Limit with no more than 5 Fish  $\geq$  8"

## Channel Catfish

- 6 Fish Daily Harvest Limit

## Large or Smallmouth Bass

- 1 Fish  $>$  15" and 2 Fish  $<$  15" (25)

- 3 Fish Daily Harvest Limit

## Pure Muskellunge

- 36" Minimum Length Limit (40)

## White, Black, or Hybrid Crappie (15)

- 9" Minimum Length Limit

- 15 Fish Daily Harvest Limit

**Lake Murphysboro**, Lake Murphysboro State Park

## Jackson County

## All Fish

- 2 Pole and Line Fishing Only (1)

## Channel Catfish

- 6 Fish Daily Harvest Limit

## Large or Smallmouth Bass (14)

- 3 Fish Daily Harvest Limit

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Lake Nellie**, City of St. Elmo

Fayette County

- |                               |  |
|-------------------------------|--|
| All Fish                      | • 2 Pole and Line Fishing Only (1) (5) |
| Channel Catfish               | • 6 Fish Daily Harvest Limit           |
| Large or Smallmouth Bass (14) | • 3 Fish Daily Harvest Limit           |
|                               | • 14" Minimum Length Limit             |

**Lake of the Woods & Elk's Pond**, Champaign County Forest Preserve District

Champaign County

- |                                 |  |
|---------------------------------|--|
| Recreational Use Restrictions   | • All live bait > 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 $\geq$ 7" permitted; unlimited Daily Harvest for Fish < 7" |
| Channel Catfish                 | • 6 Fish Daily Harvest Limit   |
| Large or Smallmouth Bass (14)   | • 15" Minimum Length Limit   |
|                                 | • 1 Fish Daily Harvest Limit   |
| Trout                           | • Spring Closed Season (11)  |

**Lake Opeka**Cook County

- |  |   |
|--|---|
| <u>All Fish</u>                                      | • <u>2 Pole and Line Fishing Only (1)</u> |
| <u>White, Black, or Hybrid Crappie (15)</u>          | • <u>15 Fish Daily Harvest Limit</u>      |
| <u>Bluegill, Pumpkinseed, or Hybrid Sunfish (14)</u> | • <u>15 Fish Daily Harvest Limit</u>      |
| <u>Large or Smallmouth Bass (14)</u>                 | • <u>15" Minimum Length Limit</u>         |
|  | • <u>1 Fish Daily Harvest Limit</u>       |

**Lake Owen**, Hazel Crest Park District

Cook County

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

**Lake Paradise**, City of Mattoon

Coles County

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Lake Sara, City of Effingham**

Effingham County

Large or Smallmouth Bass

- Protected Slot Length Limit of 15-18"

- 6 Fish Daily Harvest Limit

White, Black, or Hybrid Crappie (15)

- 25 Fish Daily Harvest 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 > 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 Harvest Limit with only 5 Fish < 10" and 10 Fish ≥ 10" permitted

**Lake Shelbyville – U.S. Army Corps of Engineers Project Ponds (except Woods 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 Harvest Limit

Large or Smallmouth Bass

- 14" Minimum Length Limit

White, Black, or Hybrid Crappie (15)

- 15 Fish Daily Harvest Limit with only 5 Fish < 10" and 10 Fish ≥ 10" permitted

**Lake Shermerville, Northbrook Park District**

Cook County

All Fish

- 2 Pole and Line Fishing Only

Bluegill and Redear Sunfish (14)

- 15 Fish Daily Harvest Limit

Channel Catfish

- 3 Fish Daily Harvest Limit

Large or Smallmouth Bass

- 1 Fish Daily Harvest Limit

White, Black, or Hybrid Crappie (15)

- 15" Minimum Length Limit

- 15 Fish Daily Harvest Limit

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Lake Sinissippi** (33)

Whiteside County

**Lake Springfield**, City of Springfield

Sangamon County

All Fish

Large or Smallmouth Bass

White, Black, or Hybrid Crappie (15)

- 2 Pole and Line Fishing Only (1) (5)
- 15" Minimum Length Limit
- 10 Fish Daily Harvest Limit
- 10" Minimum Length Limit

**Lake Storey**, City of Galesburg

Knox County

Recreational Use Restrictions

All Fish

Bluegill and Redear Sunfish (14)

Channel or Blue Catfish (14)

Large or Smallmouth Bass (14)

Pure Muskellunge

Walleye, Sauger, or Hybrid Walleye (14)

- All live bait > 8" must be rigged with a quick set rig (43)
- 2 Pole and Line Fishing Only (1) (5)
- 25 Fish Daily Harvest Limit
- 6 Fish Daily Harvest Limit
- Protected Slot Length Limit of 12-18"
- 3 Fish Daily Harvest Limit
- 42" Minimum Length Limit
- 3 Fish Daily Harvest Limit

**Lake Strini**, Village of Romeoville

Will County

All Fish

Channel Catfish

Trout

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Harvest Limit
- Fall Closed Season (10)

**Lake Sule**, Flagg-Rochelle Park District

Ogle County

Recreational Use Restrictions

All Fish

Bluegill or Redear Sunfish (14)

Channel Catfish

Large or Smallmouth Bass (14)

Pure Muskellunge

- All live bait > 8" must be rigged with a quick set rig (43)
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Harvest Limit
- 6 Fish Daily Harvest Limit
- 14" Minimum Length Limit
- 1 Fish Daily Harvest Limit
- 36" Minimum Length Limit

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- White, Black, or Hybrid Crappie (15) • 10 Fish Daily Harvest Limit

**Lake Taylorville**, City of Taylorville

Christian County

- Large or Smallmouth Bass • 15" Minimum Length Limit  
White, Black, or Hybrid Crappie (15) • 25 Fish Daily Harvest Limit with no more than 10 Fish  $\geq$  10"

~~Lake Vandalia~~, City of Vandalia~~Fayette County~~

- ~~All Fish • 2 Pole and Line Fishing Only (1)  
Channel Catfish • 6 Fish Daily Harvest Limit  
Large or Smallmouth Bass • 14" Minimum Length Limit  
Striped, White, or Hybrid Striped Bass • 17" Minimum Length Limit  
(16) • 3 Fish Daily Harvest 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 (15) • 10 Fish Daily Harvest Limit for Fish < 10"; 10 Fish Daily Harvest Limit for Fish  $\geq$  10" (23)

**Lake Victoria**, City of South Beloit

Winnebago County

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

**Lake Williamsville**, City of Williamsville

Sangamon County

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- |                 |                                    |
|-----------------|------------------------------------|
| All Fish        | • 2 Pole and Line Fishing Only (1) |
| Channel Catfish | • 6 Fish Daily Harvest 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 Harvest Limit   |
|   | • 18" Minimum Length Limit   |
| Striped, White, or Hybrid Striped Bass (16) | • 10 Fish Harvest Limit with no more than 3 Fish $\geq$ 17" Daily Harvest (17) |

**Levings Lake**, Rockford Park District

Winnebago County

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

**Lincoln Park North Lagoon**, Chicago Park District

Cook County

- |          |                     |
|----------|---------------------|
| All Fish | • Closed to Fishing |
|----------|---------------------|

**Lincoln Park South Lagoon**, Chicago Park District

Cook County

- |          |                     |
|----------|---------------------|
| All Fish | • Closed to Fishing |
|----------|---------------------|

**Lincoln Trail Lake**, Lincoln Trail State Park

Clark County

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- |                                      |  |
|--------------------------------------|--|
| Large or Smallmouth Bass (14)        | <ul style="list-style-type: none"> <li>• Protected Slot Length Limit with 1 Fish <math>\geq</math> 18" and/or 3 Fish <math>&lt;</math> 14" or all 4 Fish may be <math>&lt;</math> 14"</li> <li>• 4 Fish Daily Harvest Limit</li> </ul> |
| White, Black, or Hybrid Crappie (15) | <ul style="list-style-type: none"> <li>• 25 Fish Daily Harvest Limit</li> </ul>  |

**Litchfield City Lake**, City of Litchfield  
Montgomery County

- |                                      |  |
|--------------------------------------|--|
| Large or Smallmouth Bass (14)        | <ul style="list-style-type: none"> <li>• 3 Fish Daily Harvest Limit with 1 Fish <math>\geq</math> 15" and 2 Fish <math>&lt;</math> 15" (25)</li> </ul> |
| White, Black, or Hybrid Crappie (15) | <ul style="list-style-type: none"> <li>• 15 Fish Daily Harvest Limit</li> </ul>  |

**Little Casters Pond**, Boone County Conservation District  
Boone County

- |                          |  |
|--------------------------|--|
| All Fish                 | <ul style="list-style-type: none"> <li>• 2 Pole and Line Fishing Only</li> </ul>                                   |
| Channel Catfish          | <ul style="list-style-type: none"> <li>• 6 Fish Daily Harvest Limit</li> </ul>                                     |
| Large or Smallmouth Bass | <ul style="list-style-type: none"> <li>• 14" Minimum Length Limit</li> <li>• 1 Fish Daily Harvest Limit</li> </ul> |

**Loami Reservoir**, City of Loami  
Sangamon County

- |                          |  |
|--------------------------|--|
| All Fish                 | <ul style="list-style-type: none"> <li>• 2 Pole and Line Fishing Only (1)</li> </ul> |
| Channel Catfish          | <ul style="list-style-type: none"> <li>• 6 Fish Daily Harvest Limit</li> </ul>       |
| Large or Smallmouth Bass | <ul style="list-style-type: none"> <li>• 15" Minimum Length Limit</li> </ul>         |

**Mackinaw Ponds 1 and 2**, Mackinaw State Fish and Wildlife Area  
Tazewell County

- |                               |  |
|-------------------------------|--|
| Large or Smallmouth Bass (14) | <ul style="list-style-type: none"> <li>• 15" Minimum Length Limit</li> <li>• 1 Fish Daily Harvest Limit</li> </ul> |
|-------------------------------|--|

**Macon County Conservation District Ponds** (see also Rock Springs Pond and Rock Springs Bike Trail Pond), Macon County Conservation District

Macon County

- |          |  |
|----------|--|
| All Fish | <ul style="list-style-type: none"> <li>• 2 Pole and Line Fishing Only (1)</li> </ul> |
|----------|--|

**Maple Lake**, Cook County Preserve District  
Cook County

- |          |  |
|----------|--|
| All Fish | <ul style="list-style-type: none"> <li>• 2 Pole and Line Fishing Only (1) (36)</li> <li>• 15 Fish Daily Harvest Limit</li> </ul> |
|----------|--|

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Bluegill, Redear, or Pumpkinseed

Sunfish (14)

Channel Catfish

Large or Smallmouth Bass

White, Black, or Hybrid Crappie (15)

- 6 Fish Daily Harvest Limit
- 14" Minimum Length Limit
- 15 Fish Daily Harvest Limit

**Marine Heritage Lake, Village of Marine**

Madison County

All Fish

Bluegill or Redear Sunfish (14)

Channel Catfish

Large or Smallmouth Bass (14)

- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Harvest Limit
- 6 Fish Daily Harvest Limit
- 15" Minimum Length Limit
- 3 Fish Daily Harvest Limit

**Marissa City Lake, City of Marissa**

St. Clair County

All Fish

Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Harvest Limit

**Marquette Park Lagoon, Chicago Park District**

Cook County

All Fish

Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 4 Fish Daily Harvest Limit

**Marshall County Conservation Area (Fishing Ditch), Marshall County Conservation Area (33)**

Marshall County

All Fish

Large or Smallmouth Bass (14)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Harvest Limit
- 12" Minimum Length Limit

**Marshall County Conservation Area – Sparland Unit (33)**

Marshall County

**Mascoutah Reservoir, City of Mascoutah**

St. Clair County

All Fish

Channel Catfish

Large or Smallmouth Bass (14)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Harvest Limit
- 15" Minimum Length Limit

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 3 Fish Daily Harvest 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 Harvest Limit      |
| Channel Catfish                 | • 6 Fish Daily Harvest limit       |
| Large or Smallmouth Bass        | • 14" Minimum Length Limit         |

**Mautino State Fish and Wildlife Area**

Bureau County

- |                                 |   |
|---------------------------------|---|
| All Fish                        | • 2 Pole and Line Fishing Only (1) (34) |
| Bluegill or Redear Sunfish (14) | • 10 Fish Daily Harvest Limit           |
| Channel Catfish                 | • 6 Fish Daily Harvest Limit            |
| Large or Smallmouth Bass (14)   | • 14" Minimum Length Limit              |
|                                 | • 1 Fish Daily Harvest Limit            |

**Mauvaise Terre/Morgan Lake, City of Jacksonville**

Morgan County

- |                          |  |
|--------------------------|--|
| All Fish                 | • 2 Pole and Line Fishing Only (1)   |
| Large or Smallmouth Bass | • 15" Minimum Length Limit   |
| Trout                    | • Fall Closed Season (10)  |
|                          | • <del>No Harvest with Hook and Line</del> ; Catch and Release Fly-Fishing Permitted (9) |
|                          | • Spring Closed Season (11)  |
|                          | • <del>No Harvest with Hook and Line</del> ; Catch and Release Fly-Fishing Permitted (9) |

**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 Harvest Limit       |
| Large or Smallmouth Bass (14)        | • 15" Minimum Length Limit         |
|                                      | • 3 Fish Daily Harvest Limit       |
| White, Black, or Hybrid Crappie (15) | • 10 Fish Daily Harvest Limit      |

**McCullom Lake, City of McHenry**

McHenry County

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- |                                 |                                    |
|---------------------------------|------------------------------------|
| All Fish                        | • 2 Pole and Line Fishing Only (1) |
| Bluegill or Redear Sunfish (14) | • 25 Fish Daily Harvest Limit      |
| Channel Catfish                 | • 6 Fish Daily Harvest Limit       |
| Large or Smallmouth Bass (14)   | • 15" Minimum Length Limit         |
|                                 | • 1 Fish Daily Harvest Limit       |

**McKinley Park Lagoon**, Chicago Park District

Cook County

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

**McLeansboro City Lakes**, City of McLeansboro

Hamilton County

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

**Mechanicsburg Park Pond**, City of Mechanicsburg

Sangamon County

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

**Meredosia Lake** – Cass County Portion Only (meandered waters only) (33)

Cass County

**Meredosia Lake**, Cass County Portion

Cass County

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

## 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

**Mermet State Lake**, Mermet Lake Conservation Area (33)

## Massac County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- White, Black, or Hybrid Crappie (15)
- 2 Pole and Line Fishing Only (1) (5)
- 6 Fish Daily Harvest Limit
- 16" Minimum Length Limit
- 3 Fish Daily Harvest Limit
- 25 Fish Daily Harvest Limit

**Middle Fork Forest Preserve Pond**, Champaign County Forest Preserve

## Champaign County

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

**Middle Fork of the Vermilion River**, Kickapoo State Park and Middle Fork Fish and Wildlife Area

## Vermilion County

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

**Mill Creek Lake**, Clark County Park District

## Clark County

- Recreational Use Restrictions
- All Fish
- Channel Catfish
- All live bait > 8" must be rigged with a quick set rig (43)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Harvest Limit

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- |                                      |   |
|--------------------------------------|---|
| Large or Smallmouth Bass (14)        | <ul style="list-style-type: none"> <li>• 4 Fish &lt; 15" and 1 <del>Fish</del>fish ≥ 15"</li> <li>• <del>Daily</del>daily</li> <li>• 5 Fish Daily Harvest Limit</li> <li>• 42" Minimum Length Limit</li> <li>• 25 Fish Daily Harvest Limit, of which only 2 <del>Fish</del>fish can be 12" or longer</li> </ul> |
| Pure Muskellunge                     |   |
| White, Black, or Hybrid Crappie (15) |   |

**Mill Race Ponds**, Belvidere Park District

Boone County

- |                 |   |
|-----------------|---|
| All Fish        | <ul style="list-style-type: none"> <li>• 2 Pole and Line Fishing Only (1)</li> <li>• 6 Fish Daily Harvest Limit</li> <li>• Spring Closed Season (11)</li> </ul> |
| Channel Catfish |   |
| Trout           |   |

**Miller Park Lake**, Bloomington Park District

McLean County

- |                               |   |
|-------------------------------|---|
| All Fish                      | <ul style="list-style-type: none"> <li>• 2 Pole and Line Fishing Only (1)</li> <li>• 3 Fish Daily Harvest Limit</li> <li>• 15" Minimum Length Limit</li> <li>• 3 Fish Daily Harvest Limit</li> <li>• Spring Closed Season (11)</li> </ul> |
| Channel Catfish               |   |
| Large or Smallmouth Bass (14) |   |
| Trout                         |   |

**Mineral Springs Park Lagoon**, City of Pekin

Tazewell County

- |                 |   |
|-----------------|---|
| All Fish        | <ul style="list-style-type: none"> <li>• 2 Pole and Line Fishing Only (1)</li> <li>• 6 Fish Daily Harvest Limit</li> <li>• Fall Closed Season (10)</li> </ul> |
| Channel Catfish |   |
| Trout           |   |

**Mississippi River Pools 16, 17, 18, 21, 22, 24** (33)

Multiple Counties

**Mississippi River Pools 25 and 26** (19)

Multiple Counties

**Mississippi River (between IL & IA)**, State of Illinois

Multiple Counties

- |                               |   |
|-------------------------------|---|
| Recreational Use Restrictions | <ul style="list-style-type: none"> <li>• Any tagged sport fishing device may not be left unattended for more than 24 hours or must be completely removed</li> <li>• Maximum treble hook size is 5/0; gaffs</li> </ul> |
|-------------------------------|---|

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- All Fish
- Bluegill or Pumpkinseed Sunfish
- Large or Smallmouth Bass (14)
- Northern Pike
- Paddlefish
- Rock Bass
- Striped, White, Yellow or Hybrid  
Striped Bass
- Walleye and Sauger (14)
- Walleye
- may not be used to land paddlefish
  - Spring Lake in Carroll County is closed to fishing during the 7 days prior to the regular duck season and during the regular duck and Canada goose season except in areas posted as open to fishing
  - Sport fishermen must not use more than 2 poles and each pole must not have more than 2 hooks or lures while trolling
  - 25 Fish Daily Harvest Limit singly or in the aggregate
  - 14" Minimum Length Limit
  - 5 Fish Daily Harvest Limit
  - 5 Fish Daily Harvest Limit
  - 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 Harvest Limit is 2 fish; the maximum length limit for paddlefish taken from the Mississippi River between Illinois and Iowa is 33" eye-to-fork length (all paddlefish  $\geq$  to 33" must be immediately released back to the Mississippi River); no sorting allowed; once the daily limit of paddlefish has been reached, snagging must cease
  - 25 Fish Daily Harvest Limit
  - 25 Fish Daily Harvest Limit singly or in the aggregate – statewide regulation limiting Daily Harvest to 3 fish  $\geq$  17" is not in effect on the Mississippi River between Illinois and Iowa
  - 6 Fish Daily Harvest Limit with no more than 1 Walleye  $\geq$  27" in total length
  - 15" Minimum Length Limit with no possession of Fish  $\geq$  20" and  $<$  27" Protected Slot Length Limit (24)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- |                                      |  |
|--------------------------------------|--|
| White, Black, or Hybrid Crappie (15) | • 25 Fish Daily Harvest Limit singly or in the aggregate |
| Yellow Perch                         | • 25 Fish Daily Harvest 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
- 100 Total Fish Daily Harvest Limit

## 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 Pickerel, Walleye, Sauger, Paddlefish)

## Channel or Blue Catfish (14)

## Flathead Catfish

## Largemouth, Smallmouth, Spotted Bass

## Northern Pike

## Paddlefish

- 20 Fish Daily Harvest Limit
- 10 Fish Daily Harvest Limit
- 12" Minimum Length Limit or
- 1 Fish Daily Harvest Limit
- 24" Eye-to-Fork Minimum Length Limit
- 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 of Rocks low water dam at Chouteau Island, also known as Dam 27 at the Chain

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- of Rocks (Madison County) where no snagging is permitted; Daily Harvest Limit is 2 fish; sorting is permitted; every paddlefish  $\geq 24$ " in eye-to-fork length must be taken into immediate possession and included in the Daily Harvest Limit; paddlefish  $< 24$ " 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 Harvest Limit singly or in the aggregate – statewide regulation limiting daily harvest to 3 fish  $\geq 17$ " is not in effect on the Mississippi River between Illinois and Missouri
  - Walleye and Sauger (14)
    - 6 Fish Daily Harvest Limit
    - 14" Minimum Length Limit
  - White, Black, or Hybrid Crappie (15)
    - 30 Fish Daily Harvest Limit

**Monee Reservoir**, Will County Forest Preserve District

## Will County

- All Fish
  - 2 Pole and Line Fishing Only (1)
- Channel Catfish
  - 6 Fish Daily Harvest Limit
- Large or Smallmouth Bass (14)
  - 1 Fish Daily Harvest Limit
  - 15" Minimum Length Limit
- White, Black, or Hybrid Crappie (15)
  - 15 Fish Daily Harvest Limit

**Montrose Lake**, City of Montrose

## Cumberland County

- All Fish
  - 2 Pole and Line Fishing Only (1)
- Channel Catfish
  - 6 Fish Daily Harvest Limit
- Large or Smallmouth Bass
  - 14" Minimum Length Limit
- Bluegill and Redear Sunfish
  - 15 Fish, singly or in the aggregate, Daily Harvest Limit

**Mt. Olive City Lakes (Old and New)**, City of Mt. Olive

## Macoupin County

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- Large or Smallmouth Bass (14)
- 15" Minimum Length Limit
  - 3 Fish Daily Harvest Limit

**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 Harvest Limit
- Large or Smallmouth Bass (14)
- 18" Minimum Length Limit
  - 1 Fish Daily Harvest Limit

**Mt. Sterling Lake**, City of Mt. Sterling

Brown County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Harvest Limit
- Large or Smallmouth Bass
- Protected Slot Length Limit with no possession of Fish < 15" and  $\geq$  12" (3)

**Mt. Vernon City Park Lake**, City of Mt. Vernon

Jefferson County

- All Fish
- 2 Pole and Line Fishing Only (1) (5)
- Channel Catfish
- 6 Fish Daily Harvest Limit
- Large or Smallmouth Bass (14)
- 15" Minimum Length Limit
  - 3 Fish Daily Harvest 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)
  - 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 Harvest Limit
- Large or Smallmouth Bass (14)
- 15" Minimum Length Limit
  - 3 Fish Daily Harvest Limit

**Nashville City Lake**, City of Nashville

Washington County

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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

**Newton Lake**, Newton Lake State Fish and Wildlife Area (41) (33)

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 |
|                                      | • Lake closed to fishing during firearm deer seasons   |
| All Fish                             | • 2 Pole and Line Fishing Only (1) (5)   |
|                                      | • Closed for Regular Shotgun Deer Season   |
| Large or Smallmouth Bass (14)        | • 18" Minimum Length Limit   |
|                                      | • 3 Fish Daily Harvest Limit   |
| White, Black, or Hybrid Crappie (15) | • 10 Fish Daily Harvest Limit  |
|                                      | • 10" Minimum Length Limit   |

**Norris City Reservoir**, City of Norris City

White County

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

**Oakland City Lake**, City of Oakland

Coles County

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

**Ohio River (between IL & KY), State of Illinois**  
Multiple Counties

- |   |   |
|---|---|
| Large or Smallmouth Bass                      | • 12" Minimum Length Limit  |
| Northern Pike                                 | • No Minimum Length Limit   |
|   | • No Daily Harvest Limit  |
| Muskie or Tiger Muskie                        | • 1 Fish Daily Harvest Limit  |
|   | • 36" Minimum Length Limit  |
| Walleye, Sauger, or Hybrid Walleye (14)       | • 6 Fish Daily Harvest Limit  |
|   | • 14" Minimum Length Limit  |
| White, Black, or Hybrid Crappie (15)          | • 30 Fish Daily Harvest Limit   |
| Striped, White, Yellow or Hybrid Striped Bass | • 30 Fish Daily Harvest Limit, singly or in the aggregate, of which no more than 4 Fish $\geq$ 15" Daily (32) |

**Ohio River (between IL & KY), State of Illinois and Wabash River, various counties (between IL and IN)**

- |                           |  |
|---------------------------|--|
| Channel Catfish           | • 1 Fish Daily Harvest Limit for Fish $\geq$ 28"         |
|                           | • No Daily Harvest Limit for Fish $\geq$ 13" and $<$ 28" |
|                           | • No harvest $<$ 13"                                     |
| Blue and Flathead Catfish | • 1 Fish Daily Harvest Limit for Fish $\geq$ 35"         |
|                           | • No Daily Harvest Limit for Fish $\geq$ 13" and $<$ 35" |
|                           | • No harvest $<$ 13"                                     |

**Ohio River – Smithland Pool Tributary Streams** (in Pope/Hardin/Gallatin Counties, excluding Wabash River and Saline River Above Route 1 Bridge)

## Multiple Counties

- |                          |                            |
|--------------------------|----------------------------|
| Large or Smallmouth Bass | • 12" Minimum Length Limit |
|--------------------------|----------------------------|

**Old Kinmundy Reservoir, City of Kinmundy**

## Marion County

- |                 |  |
|-----------------|--|
| All Fish        | • 2 Pole and Line Fishing Only (1) (5) |
| Channel Catfish | • 6 Fish Daily Harvest Limit           |

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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 Harvest Limit  
 Large or Smallmouth Bass (14) • 14" Minimum Length Limit  
 • 1 Fish Daily Harvest Limit

**Omaha City Reservoir**, City of Omaha

Gallatin County

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

**Omaha Township Reservoir**, City of Omaha

Gallatin County

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

**Otter Lake**, Otter Lake Water Commission

Macoupin County

Recreational Use Restrictions • All live bait > 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 Harvest Limit  
 Large or Smallmouth Bass (14) • 15" Minimum Length Limit  
 • 3 Fish Daily Harvest Limit  
 Striped, White, or Hybrid Striped Bass (16) • 10 Fish Daily Harvest, singly or in the aggregate, of which only 3 Fish may be  $\geq$  17" (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)  
 • Catch and Release Fishing Only (9)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**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 Harvest Limit
- Large or Smallmouth Bass (14) • 15" Minimum Length Limit
- 3 Fish Daily Harvest Limit

**Pana Lake**, City of Pana  
Shelby and Christian Counties

- Recreational Use Restrictions • All live bait > 8" must be rigged with a quick set rig (43)
- All Fish • 2 Pole and Line Fishing Only (1)
- Channel Catfish • 6 Fish Daily Harvest Limit
- Large or Smallmouth Bass • 14" Minimum Length Limit
- Pure Muskellunge • 48" Minimum Length Limit
- 1 Fish Daily Harvest 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 Harvest 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 Harvest Limit
- Large or Smallmouth Bass (14) • 15" Minimum Length Limit
- 3 Fish Daily Harvest Limit
- White, Black, or Hybrid Crappie (15) • 25 Fish Daily Harvest Limit
- 9" Minimum Length Limit

**Pecatonica River and Tributaries**, State of Illinois  
Winnebago/Stephenson Counties

- Smallmouth Bass • 14" Minimum Length Limit

**Perry Farm Pond**, Bourbonnais Park District  
Kankakee County

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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

**Piasa (19)**

Madison/Jersey Counties

**Pierce Lake, Rock Cut State Park**

Winnebago County

- |                                      |   |
|--------------------------------------|---|
| Recreational Use Restrictions        | • All live bait > 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 Harvest Limit                                  |
| Large or Smallmouth Bass (14)        | • 1 Fish Daily Harvest Limit                                  |
| Pure Muskellunge                     | • 15" Minimum Length Limit                                    |
| White, Black, or Hybrid Crappie (15) | • 48" Minimum Length Limit (40)                               |
|                                      | • 25 Fish Daily Harvest Limit                                 |

**Pinckneyville Lake, City of Pinckneyville**

Perry County

- |                               |                              |
|-------------------------------|------------------------------|
| Large or Smallmouth Bass (14) | • 18" Minimum Length Limit   |
|                               | • 1 Fish Daily Harvest Limit |

**Pine Creek (within the boundaries of White Pines Forest State Park)**

Ogle County

- |                 |  |
|-----------------|--|
| All Fish        | • 2 Pole and Line Fishing Only (1)   |
| Smallmouth Bass | • 14" Minimum Length Limit   |
| Trout           | • Spring Closed Season (11)  |
|                 | • <del>No harvest with Hook and Line;</del> Catch and Release <del>Fly Fishing Permitted</del> permitted (9) |
|                 | • Fall Closed Season (10)  |
|                 | • <del>No harvest with Hook and Line;</del> Catch and Release <del>Fly Fishing Permitted</del> permitted (9) |

**Piscasaw Creek**

McHenry County

- |                 |                             |
|-----------------|-----------------------------|
| Smallmouth Bass | • 14" Minimum Length Limit  |
| Trout           | • Spring Closed Season (11) |

**Pittsfield City Lake, City of Pittsfield**

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

## Pike County

- All Fish • 2 Pole and Line Fishing Only (1) (7)
- Channel Catfish • 6 Fish Daily Harvest Limit
- Large or Smallmouth Bass • 14" Minimum Length Limit
- Striped, White, or Hybrid Striped Bass • 17" Minimum Length
- (16) • 3 Fish Daily Harvest Limit

**Pocahontas Park Ponds**, City of Pocahontas

## Bond County

- All Fish • 2 Pole and Line Fishing Only (1)
- Channel Catfish • 6 Fish Daily Harvest Limit
- [Largemouth Bass](#) • [15" Minimum Length Limit](#)
- [3 Fish Daily Harvest Limit](#)

**Ponderosa Lake**, Mazonia State Fish and Wildlife Area (33)

## Kankakee County

- All Fish • 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) • 10 Fish Daily Harvest Limit
- Channel Catfish • 6 Fish Daily Harvest Limit
- Large or Smallmouth Bass (14) • 15" Minimum Length Limit
- 3 Fish Daily Harvest Limit
- White, Black, or Hybrid Crappie (15) • 10 Fish Daily Harvest 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)
- Blue Channel or Flathead Catfish • 6 Fish Daily Harvest Limit, singly or in the aggregate, with no more than 1 fish  $\geq$  35"
- Large or Smallmouth Bass (14) • 18" Minimum Length Limit
- 1 Fish Daily Harvest Limit
- Striped, White, or Hybrid Striped Bass • 10 Fish Daily Harvest Limit, singly or in the aggregate, with no more than 3 Fish  $\geq$  17" (17)
- (16)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- Walleye, Sauger, or Hybrid Walleye (14)
- 3 Fish Daily Harvest Limit
  - 18" Minimum Length Limit

**Prospect Pond**, City of Moline

Rock Island County

Trout

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

**Pyramid State Park – Blue Wing Lake, Green Wing Lake, ~~and~~ Goldeneye Lake and****Mallard Lake**, Pyramid State Park

Perry County

Recreational Use Restrictions

- Waterfowl Hunting Area (from November 1 through the last day in February, fishing is permitted in designated areas only, and fishing hours are from ½ hour before sunrise to 2 p.m.)
- All live bait > 8" must be rigged with a quick set rig (43)
- 2 Pole and Line Fishing Only (1) (5)
- 25 Fish Daily Harvest Limit
- 6 Fish Daily Harvest Limit
- Protected Slot Length Limit with 1 Fish ≥ 18" and/or 5 fish < 14" (38)

All Fish

Bluegill or Redear Sunfish (14)

Channel Catfish

Large or Smallmouth Bass (14)

Pure Muskellunge

White, Black, or Hybrid Crappie (15)

- 48" Minimum Length Limit
- 25 Fish Daily Harvest 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 November 1 through the last day in February)
- All live bait > 8 inches must be rigged with a quick set rig (43)
- 2 Pole and Line Fishing Only (1) (5)
- 25 Fish Daily Harvest Limit
- 6 Fish Daily Harvest Limit

All Fish

Bluegill or Redear Sunfish (14)

Channel Catfish

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- |                                      |  |
|--------------------------------------|--|
| Large or Smallmouth Bass (14)        | • Protected Slot Length Limit with only 1 Fish $\geq$ 18" and/or 5 Fish $<$ 14" (38) |
| Pure Muskellunge                     | • 48" Minimum Length Limit   |
| White, Black, or Hybrid Crappie (15) | • 25 Fish Daily Harvest Limit  |

**Pyramid State Park Lakes & Ponds (excluding Captain, Denmark, Galum and East Conant Areas), Pyramid State Park**

## Perry County

- |                               |   |
|-------------------------------|---|
| All Fish                      | • 2 Pole and Line Fishing Only (1) (5)  |
| Channel Catfish               | • 6 Fish Daily Harvest Limit  |
| Large or Smallmouth Bass (14) | • Protected Slot Length Limit with only 1 Fish $\geq$ to 18" and/or 5 Fish $<$ 14" (38) |

**Raccoon Lake, City of Centralia**

## Marion County

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

**Ramsey Lake, Ramsey Lake State Park**

## Fayette County

- |                                      |                                    |
|--------------------------------------|------------------------------------|
| All Fish                             | • 2 Pole and Line Fishing Only (1) |
| Bluegill or Redear Sunfish (14)      | • 25 Fish Daily Harvest Limit      |
| Channel Catfish                      | • 6 Fish Daily Harvest Limit       |
| Large or Smallmouth Bass             | • 14" Minimum Length Limit         |
| White, Black, or Hybrid Crappie (15) | • 10 Fish Daily Harvest Limit      |
|                                      | • 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 Harvest 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 Harvest Limit       |
| Large or Smallmouth Bass (14) | • 14" Minimum Length Limit         |

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- Trout
- 3 Fish Daily Harvest Limit
  - 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 Harvest Limit
- Large or Smallmouth Bass
- 15" Minimum Length Limit

**Red's Landing Wildlife Management Area** (19)

Calhoun County

(Access to walk-in area closed 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)
- Large or Smallmouth Bass
- 14" Minimum Length Limit
- Striped, White, Yellow or Hybrid Striped Bass (8)
- 20 Fish Daily Harvest Limit, singly or in the aggregate, with no more than 3 Fish  $\geq$  17"
- White, Black, or Hybrid Crappie (15)
- 25 Fish Daily Harvest Limit, singly or in the aggregate, with no more than 10 Fish  $\geq$  10"

**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

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

**Rice Lake State Fish and Wildlife Area** (33) (34)

Fulton County

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

## Large or Smallmouth Bass

- 12" Minimum Length Limit
- 6 Fish Daily Harvest Limit

**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 Harvest 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 (14)

- 15 Fish Daily Harvest Limit

Channel Catfish

- 6 Fish Daily Harvest Limit

Large or Smallmouth Bass

- 1 Fish  $\geq$  15" and 2 Fish  $<$  15" (25)

- 3 Fish Daily Harvest Limit

White, Black, or Hybrid Crappie (15)

- 9" Minimum Length Limit

- 10 Fish Daily Harvest Limit

**Riverside Park Lagoon**, Moline Park District

## Rock Island County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Harvest 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 Harvest Limit

Channel Catfish

- 3 Fish Daily Harvest Limit

Large or Smallmouth Bass (14)

- 15" Minimum Length Limit

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 3 Fish Daily Harvest Limit

**Rock Creek, State of Illinois**

Kankakee County

All Fish

Trout

- 2 Pole and Line Fishing Only (1)
- Spring Closed Season (11)
- ~~No Harvest with Hook and Line;~~ Catch and Release ~~Fly~~ Fishing ~~Permitted~~ (9)
- Fall Closed Season (10)
- ~~No Harvest with Hook and Line;~~ Catch and Release ~~Fly~~ Fishing ~~Permitted~~ (9)

**Rock River, from the Sears and Steel Dam downstream to confluence of the Mississippi River, State of Illinois**

Rock Island County

Walleye

Walleye and Sauger (14)

- 15" Minimum Length Limit with a 20-27" Protected Slot Length Limit (24)
- 6 Fish Daily Harvest Limit with no more than 1 Fish  $\geq$  27"

**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

**Rock Springs Bike Trail Pond, Macon County Conservation District**

Macon County

All Fish

Channel Catfish

Large or Smallmouth Bass (14)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Harvest Limit
- 15" Minimum Length Limit
- 1 Fish Daily Harvest Limit

**Rock Springs Pond, Macon County Conservation District**

Macon County

All Fish

Channel Catfish

Large or Smallmouth Bass (14)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Harvest Limit
- 15" Minimum Length Limit

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- Trout
- 1 Fish Daily Harvest Limit
  - 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 Harvest 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 Harvest Limit
- Channel Catfish
- 3 Fish Daily Harvest Limit
- Large or Smallmouth Bass (14)
- 18" Minimum Length Limit
  - 1 Fish Daily Harvest 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 Harvest Limit
- Large or Smallmouth Bass (14)
- 15" Minimum Length Limit
  - 1 Fish Daily Harvest Limit

**Sag Quarry East, Cook County Forest Preserve District**

Cook County

- Bluegill, Redear, or Pumpkinseed Sunfish (14)
- 15 Fish Daily Harvest Limit
- Large or Smallmouth Bass
- 14" Minimum Length Limit
- Trout
- Spring Closed Season (11)
- White, Black, or Hybrid Crappie (15)
- 15 Fish Daily Harvest Limit

**Sahara Woods State 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 Harvest Limit
- Channel Catfish
- 6 Fish Daily Harvest Limit
- Large or Smallmouth Bass (14)
- 18" Minimum Length Limit
  - 1 Fish Daily Harvest Limit
- White, Black, or Hybrid Crappie (15)
- 15 Fish Daily Harvest Limit

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Salem Reservoir**, City of Salem

Marion County

- All Fish • 2 Pole and Line Fishing Only (1) (5)
- Channel Catfish • 6 Fish Daily Harvest Limit
- Large or Smallmouth Bass • 14" Minimum Length Limit

**Sam Dale Lake**, Sam Dale Conservation Area

Wayne County

- Recreational Use Restrictions • All live bait > 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 Harvest 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 Harvest Limit
- Large or Smallmouth Bass • 14" Minimum Length Limit
- Trout • Fall Closed Season (10)
- 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 Harvest 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 Harvest Limit
- Large or Smallmouth Bass (14) • 15" Minimum Length Limit
- 1 Fish Daily Harvest Limit
- Trout • Fall Closed Season (10)
- Spring Closed Season (11)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Sanganois State 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 (41)

All Fish

- 2 Pole and Line Fishing Only (1) (45)

Large or Smallmouth Bass (14)

- 15" Minimum Length Limit

White, Black, or Hybrid Crappie (15)

- 3 Fish Daily Harvest Limit
- 10 Fish Daily Harvest Limit
- 10" Minimum Length Limit

**Schiller Pond**, Cook County Forest Preserve District

Cook County

All Fish

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

Bluegill, Redear, or Pumpkinseed

- 15 Fish Daily Harvest Limit

Sunfish (14)

Channel Catfish

- 6 Fish Daily Harvest Limit

Large or Smallmouth Bass

- 14" Minimum Length Limit

White, Black, or Hybrid Crappie (15)

- 15 Fish Daily Harvest Limit

Trout

- Spring Closed Season (11)

**Schuy-Rush Lake**, City of Rushville

Schuyler County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Harvest Limit

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- White, Black, or Hybrid Crappie (15) • 25 Fish Daily Harvest Limit with no more than 10 Fish  $\geq$  10"

**Sesser City Lake**, City of Sesser

Franklin County

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

**Shabbona Lake**, Shabbona Lake State Park

DeKalb County

- Recreational Use Restrictions • All live bait > 8" must be rigged with a quick set rig (43)  
 • No sport fishing below dam to fence  
 All Fish • 2 Pole and Line Fishing Only (1) (48)  
 Bluegill or Redear Sunfish (14) • 10 Fish Daily Harvest Limit  
 Channel Catfish • 6 Fish Daily Harvest Limit  
 Large or Smallmouth Bass (14) • 1 Fish Daily Harvest Limit  
 • 14" Minimum Length Limit  
 Pure Muskellunge • 48" Minimum Length Limit (40)  
 Striped, White, or Hybrid Striped Bass • 17" Minimum Length Limit  
 (16) • 3 Fish Daily Harvest Limit  
 Walleye, Sauger, or Hybrid Walleye • 18" Minimum Length Limit  
 White, Black, or Hybrid Crappie (15) • 10 Fish Daily Harvest 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) (5)  
 Channel Catfish • 6 Fish Daily Harvest 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 Harvest Limit

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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 Harvest 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 Harvest 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 Harvest Limit  
 Largemouth or Smallmouth Bass • 15" Minimum Length 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 Harvest 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 Harvest Limit  
 Largemouth, Smallmouth or Spotted Bass • 15" Minimum Length Limit

**Shawnee National Forest – Tecumseh Lake**, U.S. Forest Service

Hardin County

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- |  |                                    |
|--|------------------------------------|
| All Fish                               | • 2 Pole and Line Fishing Only (1) |
| Channel Catfish                        | • 6 Fish Daily Harvest 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 Harvest Limit       |
| Largemouth, Smallmouth or Spotted Bass | • 15" Minimum Length Limit         |

**Shawnee National Forest – Whoopie Cat Lake, U.S. Forest Service**

Hardin Counties

- |  |                                    |
|--|------------------------------------|
| All Fish                               | • 2 Pole and Line Fishing Only (1) |
| Channel Catfish                        | • 6 Fish Daily Harvest 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 Harvest 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 Harvest Limit   |
| Large or Smallmouth Bass | • Protected Slot Length Limit with no possession of fish < 15" or ≥ 12" (3)                          |
| Trout                    | • Fall Closed Season (10)  |
|                          | • <del>No harvest with Hook and Line, Catch and Release Fly Fishing Permitted</del> is permitted (9) |
|                          | • Spring Closed Season (11)  |
|                          | • <del>No harvest with Hook and Line, Catch and Release Fly Fishing Permitted</del> is permitted (9) |

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

**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 Harvest Limit
- Bluegill or Redear Sunfish (14) • 8" Minimum Length Limit
- 10 Fish Daily Harvest Limit
- Large or Smallmouth Bass (14) • 18" Minimum Length Limit
- 1 Fish Daily Harvest Limit

**Silver Lake, City of Highland**

Madison County

- Large or Smallmouth Bass (14) • 15" Minimum Length Limit
- 3 Fish Daily Harvest Limit

**Silver Springs State Park – 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 Harvest Limit
- Large or Smallmouth Bass • 15" Minimum Length Limit
- Trout • Fall Closed Season (10)
- Spring Closed Season (11)

**Skokie Lagoons (including Skokie Lagoons Spillway and Skokie River Downstream to Willow Road), Cook County Forest Preserve District**

Cook County

- All Fish • 2 Pole and Line Fishing Only (1) (36)
- Bluegill, Redear, or Pumpkinseed • 15 Fish Daily Harvest Limit
- Sunfish (14)
- Channel Catfish • 6 Fish Daily Harvest Limit
- Walleye, Sauger, or Hybrid Walleye • 18" Minimum Length Limit
- White, Black, or Hybrid Crappie (15) • 15 Fish Daily Harvest Limit

**Snakeden Hollow State Fish and Wildlife Area – McMaster Lake & Other Site Waters,**

State of Illinois

Knox County

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- |  |  |
|--|--|
| Recreational Use Restrictions                            | <ul style="list-style-type: none"> <li>• 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)</li> <li>• All live bait &gt; 8" must be rigged with a quick set rig (43)</li> </ul> |
| All Fish   | <ul style="list-style-type: none"> <li>• 2 Pole and Line Fishing Only (1)</li> </ul>   |
| Bluegill or Redear Sunfish (14)                          | <ul style="list-style-type: none"> <li>• 25 Fish Daily Harvest Limit</li> </ul>  |
| Channel Catfish  | <ul style="list-style-type: none"> <li>• 6 Fish Daily Harvest Limit</li> </ul>   |
| Large or Smallmouth Bass (14)                            | <ul style="list-style-type: none"> <li>• Protected Slot Length Limit of 14-18"</li> </ul>  |
| Pure Muskellunge   | <ul style="list-style-type: none"> <li>• 3 Fish Daily Harvest Limit</li> <li>• 1 Fish <math>\geq 36</math>" but <math>&lt; 42</math>", or 1 fish <math>\geq 48</math>" in total length (52)</li> </ul>   |
| Walleye, Sauger, or Hybrid Walleye (14)                  | <ul style="list-style-type: none"> <li>• 1 Fish Daily Harvest Limit</li> <li>• 3 Fish Daily Harvest Limit</li> </ul>   |
| White, Black, or Hybrid Crappie (15)                     | <ul style="list-style-type: none"> <li>• 25 Fish Daily Harvest Limit with no more than 10 Fish <math>\geq 10</math>"</li> </ul>  |
| <br>   |  |
| <b>Southwind Pond, Springfield Park District</b>         |  |
| Sangamon County  |  |
| Trout  | <ul style="list-style-type: none"> <li>• Spring Closed Season (11)</li> <li>• Fall Closed Season (10)</li> </ul>   |
| <br>   |  |
| <b>Sparta New City Reservoir (North), City of Sparta</b> |  |
| Randolph County  |  |
| All Fish   | <ul style="list-style-type: none"> <li>• 2 Pole and Line Fishing Only (1)</li> </ul>   |
| Channel Catfish  | <ul style="list-style-type: none"> <li>• 6 Fish Daily Harvest Limit</li> </ul>   |
| Large or Smallmouth Bass                                 | <ul style="list-style-type: none"> <li>• 15" Minimum Length Limit</li> </ul>   |
| <br>   |  |
| <b>Sparta Old City Reservoir (South), City of Sparta</b> |  |
| Randolph County  |  |
| All Fish   | <ul style="list-style-type: none"> <li>• 2 Pole and Line Fishing Only (1)</li> </ul>   |
| Channel Catfish  | <ul style="list-style-type: none"> <li>• 6 Fish Daily Harvest Limit</li> </ul>   |
| Bluegill or Redear Sunfish (14)                          | <ul style="list-style-type: none"> <li>• 15 Fish Daily Harvest Limit</li> </ul>  |
| Large or Smallmouth Bass                                 | <ul style="list-style-type: none"> <li>• 15" Minimum Length Limit</li> </ul>   |

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Sparta "T" Lake, City of Sparta**

Randolph County

- |                                      |                                    |
|--------------------------------------|------------------------------------|
| All Fish                             | • 2 Pole and Line Fishing Only (1) |
| Bluegill or Redear Sunfish (14)      | • 8" Minimum Length Limit          |
|                                      | • 15 Fish Daily Harvest Limit      |
| Channel Catfish                      | • 6 Fish Daily Harvest Limit       |
| Large or Smallmouth Bass (14)        | • 15" Minimum Length Limit         |
|                                      | • 3 Fish Daily Harvest Limit       |
| White, Black, or Hybrid Crappie (15) | • 9" Minimum Length Limit          |
|                                      | • 10 Fish Daily Harvest Limit      |

**Sparta World Shooting and Recreational Complex – Derby Lake, State of Illinois**

Randolph County

- |                                      |                                       |
|--------------------------------------|---------------------------------------|
| All Fish                             | • 2 Pole and Line Fishing Only (1)(5) |
| Bluegill and Redear Sunfish (14)     | • 15 Fish Daily Harvest Limit         |
| Channel Catfish                      | • 6 Fish Daily Harvest Limit          |
| Large and Smallmouth Bass (14)       | • 18" Minimum Length Limit            |
|                                      | • 1 Fish Daily Harvest Limit          |
| White, Black, or Hybrid Crappie (15) | • 10" Minimum Length Limit            |
|                                      | • 10 Fish Daily Harvest Limit         |
| Trout                                | • Fall Closed Season (10)             |
|                                      | • Spring Closed Season (11)           |

**Sparta World Shooting and Recreational Complex Lakes, State of Illinois**

Randolph County

- |                                      |                                       |
|--------------------------------------|---------------------------------------|
| All Fish                             | • 2 Pole and Line Fishing Only (1)(5) |
| Bluegill and Redear Sunfish (14)     | • 15 Fish Daily Harvest Limit         |
| Channel Catfish                      | • 6 Fish Daily Harvest Limit          |
| Large and Smallmouth Bass (14)       | • 18" Minimum Length Limit            |
|                                      | • 1 Fish Daily Harvest Limit          |
| White, Black, or Hybrid Crappie (15) | • 10" Minimum Length Limit            |
|                                      | • 10 Fish Daily Harvest 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 Grove Hatchery Pond, City of Spring Grove**

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

McHenry County  
Trout

- Fall Closed Season (10)

**Spring Lake**, City of Macomb

McDonough County

Recreational Use Restrictions

All Fish

Channel Catfish or Blue Catfish (14)

Large or Smallmouth Bass (14)

Pure Muskellunge

Striped, White, or Hybrid Striped Bass  
(16)

Walleye

- All live bait > 8" must be rigged with a quick set rig (43)
- 2 Pole and Line Fishing Only (1) (5)
- 6 Fish Daily Harvest Limit
- 15" Minimum Length Limit
- 3 Fish Daily Harvest Limit
- 42" Minimum Length limit
- 1 Fish Daily Harvest Limit
- 17" Minimum Length Limit
- 3 Fish Daily Harvest Limit
- 18" Minimum Length Limit
- 3 Fish Daily Harvest Limit

**Spring Lakes (North & South)**, Spring Lake Conservation Area (33)

Tazewell County

Recreational Use Restrictions

All Fish

Channel Catfish

Large or Smallmouth Bass (14)

Pure Muskellunge

White, Black, or Hybrid Crappie (15)

- All live bait > 8" must be rigged with a quick set rig (43)
- 2 Pole and Line Fishing Only (1) (5)
- 6 Fish Daily Harvest Limit
- Protected Slot Length Limit; 12-18"
- 3 Fish Daily Harvest Limit
- 42" Minimum Length Limit
- 25 Fish Daily Harvest Limit with no more than 10 Fish  $\geq$  10"

**Spring Pond**, Flagg-Rochelle Park District

Ogle County

All Fish

Large or Smallmouth Bass (14)

- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit
- 1 Fish Daily Harvest Limit

**Starved Rock State Park (33)**

LaSalle County

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

**Staunton City Lake**, City of Staunton

Macoupin County

- |                               |   |
|-------------------------------|---|
| Recreational Use Restrictions | • All live bait > 8" must be rigged with a quick set rig (43) |
| All Fish                      | • 2 Pole and Line Fishing Only (1)                            |
| Channel Catfish               | • 6 Fish Daily Harvest Limit                                  |
| Large or Smallmouth Bass (14) | • 15" Minimum Length Limit                                    |
|                               | • 3 Fish Daily Harvest Limit                                  |
| Pure Muskellunge              | • 36" Minimum Length Limit                                    |

**Sterling Lake**, Lake County Forest Preserve District

Lake County

- |                                    |   |
|------------------------------------|---|
| Recreational Use Restrictions      | • All live bait > 8" must be rigged with a quick set rig (43) |
| All Fish                           | • 2 Pole and Line Fishing Only (1)                            |
| Channel Catfish                    | • 3 Fish Daily Harvest Limit                                  |
| Large or Smallmouth Bass (14)      | • 1 Fish Daily Harvest Limit                                  |
|                                    | • 15" Minimum Length Limit                                    |
| Pure Muskellunge                   | • 48" Minimum Length Limit                                    |
| Walleye, Sauger, or Hybrid Walleye | • 16" Minimum Length Limit                                    |

**Storm Lake**, DeKalb Park District

DeKalb County

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

**Stump Lake State 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 Harvest Limit       |
| Channel Catfish                               | • 6 Fish Daily Harvest Limit        |
| Large or Smallmouth Bass                      | • 14" Minimum Length Limit          |
| Walleye, Sauger, or Hybrid Walleye            | • 18" Minimum Length Limit          |

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

White, Black, or Hybrid Crappie (15) • 15 Fish Daily Harvest Limit

**Taylorville Park District Pond**, Taylorville Park District

Christian County

All Fish

• 2 Pole and Line Fishing Only (1)

Trout

• Spring Closed Season (11)

• 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 Harvest Limit

Large or Smallmouth Bass (14)

• 3 Fish Daily Harvest Limit

**Three Oaks North and South Lakes**, City of Crystal Lake

McHenry County

All Fish

• 2 Pole and Line Fishing Only (1)

• 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 Harvest Limit

Bluegill or Redear Sunfish (14)

• 15 Fish Daily Harvest Limit

Large or Smallmouth Bass (14)

• 15" Minimum Length Limit

• 1 Fish Daily Harvest Limit

**Toledo Reservoir**, City of Toledo

Cumberland County

All Fish

• 2 Pole and Line Fishing Only (1)

Channel Catfish

• 6 Fish Daily Harvest Limit

Large or Smallmouth Bass

• Protected Slot Length Limit with 1 Fish  $\geq$  15" and 2 Fish  $<$  12"

• 3 Fish Daily Harvest Limit

**Tower Lake (St. Elmo South Lake)**, City of St. Elmo

Fayette County

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

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

**Turkey Bluff Ponds**, State of Illinois

Randolph County

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

**Turner Lake**, Chain O'Lakes State Park

Lake County

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

**Turtle Lake (East Lake Renwick)**, Will County Forest Preserve District

Will County

- |                                 |                                    |
|---------------------------------|------------------------------------|
| All Fish                        | • 2 Pole and Line Fishing Only (1) |
| Channel Catfish                 | • 3 Fish Daily Harvest Limit       |
| Large or Smallmouth Bass (14)   | • 18" Minimum Length Limit         |
|                                 | • 1 Fish Daily Harvest Limit       |
| Bluegill or Redear Sunfish (14) | • 15 Fish Daily Harvest Limit      |

**Tuscola City Lake**, City of Tuscola

Douglas County

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

**Union County State 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 Harvest Limit

**Valley Lake, Wildwood Park District**

Lake County

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

**Valmeyer Lake, City of Valmeyer**

Monroe County

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

**Vandalia Lake, City of Vandalia**

Fayette County

- All Fish • 2 Pole and Line Fishing Only (1)
- Channel Catfish • 6 Fish Daily Harvest Limit
- Large or Smallmouth Bass • 14" Minimum Length Limit
- Striped, White, or Hybrid Bass (16) • 17" Minimum Length Limit

**Vanhorn Woods Pond, Plainfield Park District**

Will County

- All Fish • 2 Pole and Line Fishing Only (1)
- Channel Catfish • 6 Fish Daily Harvest Limit
- Large or Smallmouth Bass (14) • 15" Minimum Length Limit
- 1 Fish Daily Harvest Limit
- Trout • Fall Closed Season (10)

**Vernor Lake, City of Olney**

Richland County

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- |                          |                              |
|--------------------------|------------------------------|
| Channel Catfish          | • 6 Fish Daily Harvest 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 Harvest 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 Harvest Limit       |
| Large or Smallmouth Bass (14)                  | • 18" Minimum Length Limit         |
| Striped, White, or Hybrid Striped Bass<br>(16) | • 1 Fish Daily Harvest Limit       |
| Trout  | • 17" Minimum Length Limit         |
|  | • 1 Fish Daily Harvest Limit       |
|  | • Fall Closed Season (10)          |

**Wabash River**, various counties (between IL and IN) and **Ohio River** (between IL & KY), State of Illinois

## Multiple Counties

- |                           |  |
|---------------------------|--|
| Channel Catfish           | • 1 Fish Daily Harvest Limit for Fish $\geq$ 28"       |
|                           | • No Daily Harvest Limit for Fish $\geq$ 13" and < 28" |
|                           | • No harvest < 13"                                     |
| Blue and Flathead Catfish | • 1 Fish Daily Harvest Limit for Fish $\geq$ 35"       |
|                           | • No Daily Harvest Limit for Fish $\geq$ 13" and < 35" |
|                           | • No harvest < 13"                                     |

**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) |
|----------|------------------------------------|

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- |                                 |   |
|---------------------------------|---|
| Bluegill or Redear Sunfish (14) | • 20 Fish, either singly or in aggregate, Daily Harvest Limit, of which only 5 Fish may be $\geq 8$ " |
| Channel Catfish                 | • 6 Fish Daily Harvest Limit  |
| Large or Smallmouth Bass        | • Protected Slot Length Limit with no possession of Fish $< 15$ " or $\geq 12$ " (3)                  |

**Walton Park Lake**, City of Litchfield

Montgomery County

- |                               |  |
|-------------------------------|--|
| All Fish                      | • 2 Pole and Line Fishing Only (1)                         |
| Channel Catfish               | • 6 Fish Daily Harvest Limit                               |
| Large or Smallmouth Bass (14) | • 15" Minimum Length Limit<br>• 3 Fish Daily Harvest 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 (14) | • 15 Fish Daily Harvest Limit           |
| Large or Smallmouth Bass                      | • 14" Minimum Length Limit              |
| White, Black, or Hybrid Crappie (15)          | • 15 Fish Daily Harvest 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 Harvest Limit  |
| Large or Smallmouth Bass                    | • Protected Slot Length Limit with 1 Fish $\geq 18$ " and 2 Fish $< 14$ " |
| Striped, White, or Hybrid Striped Bass (16) | • 17" Minimum Length Limit<br>• 3 Fish Daily Harvest Limit                |

**Washington Park Lagoon**, Chicago Park District

Cook County

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

**Washington Park Pond**, Springfield Park District

Sangamon County

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

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- Channel Catfish
- Trout
- 3 Fish Daily Harvest Limit
- Fall Closed Season (10)
- Spring Closed Season (11)

**Watseka City Ponds (Clements Pond, Kapers Pond and Municipal Center Pond), City of**

Watseka

Iroquois County

- All Fish
- Channel Catfish
- White, Black, or Hybrid Crappie (15)
- Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 3 Fish Daily Harvest Limit
- 9" Minimum Length Limit
- 10 Fish Daily Harvest Limit
- 15" Minimum Length Limit
- 3 Fish Daily Harvest Limit

**Waverly Lake, City of Waverly**

Morgan County

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

**Weinberg-King Pond, Weinberg-King State Park**

Schuyler County

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

**Weldon Springs Lake, Weldon Springs State Park**

DeWitt County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass (14)
- Walleye, Sauger, and Hybrid Walleye
- Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Harvest Limit
- 15" Minimum Length Limit
- 1 Fish Daily Harvest Limit
- 3 Fish Daily Harvest Limit
- 15" Minimum Length Limit with no more than 1 Fish  $\geq$  20"
- Fall Closed Season (10)
- Spring Closed Season (11)

**West Frankfort New City Lake, City of West Frankfort**

Franklin County

## DEPARTMENT OF NATURAL RESOURCES

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

**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 Harvest Limit       |
| Large or Smallmouth Bass (14) | • 15" Minimum Length Limit         |
|                               | • 3 Fish Daily Harvest Limit       |

**West Salem Reservoir**, City of West Salem

Edwards County

- |                               |                                    |
|-------------------------------|------------------------------------|
| All Fish                      | • 2 Pole and Line Fishing Only (1) |
| Channel Catfish               | • 6 Fish Daily Harvest Limit       |
| Large or Smallmouth Bass (14) | • 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 Harvest Limit      |
| Channel Catfish                    | • 3 Fish Daily Harvest Limit       |
| Large or Smallmouth Bass (14)      | • 18" Minimum Length Limit         |
|                                    | • 1 Fish Daily Harvest Limit       |
| Walleye, Sauger, or Hybrid Walleye | • 16" Minimum Length Limit         |
|                                    | • 3 Fish Daily Harvest 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 Harvest 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 Harvest Limit       |
| Channel Catfish                 | • 6 Fish Daily Harvest Limit       |
| Large or Smallmouth Bass (14)   | • 18" Minimum Length Limit         |

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- 1 Fish Daily Harvest Limit

**William W. Powers State Conservation Area (33)**

Cook County

Trout

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

**Willow Lake, Peabody River King State Conservation Area**

St. Clair County

All Fish

Channel Catfish

Large or Smallmouth Bass (14)

White, Black, or Hybrid Crappie (15)

Trout

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Harvest Limit
- 15" Minimum Length Limit
- 3 Fish Daily Harvest Limit
- 25 Fish Daily Harvest Limit
- 9" Minimum Length Limit
- Fall Closed Season (10)
- ~~No Harvest with Hook and Line.~~ Catch and Release ~~Fly~~ Fishing Permitted (9)
- Spring Closed Season (11)
- ~~No Harvest with Hook and Line.~~ Catch and Release ~~Fly~~ Fishing Permitted (9)

**Wolf Lake, William W. Powers Conservation Area (33)**

Cook County

All Fish

Channel Catfish

Large or Smallmouth Bass

Trout

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Harvest Limit
- 14" Minimum Length Limit
- Spring Closed Season (11)
- Fall Closed Season (10)

**Woodford Co. Cons. Area (Fishing Ditch), Woodford County Conservation Area (33)**

Woodford County

All Fish

Large or Smallmouth Bass (14)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Harvest Limit
- 12" Minimum Length Limit

**Woodlawn Pond, Frankfort Square Park District**

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Will County

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

**Woods Lake**, U.S. Army Corps of Engineers

Moultrie County

- All Fish • 2 Pole and Line Fishing Only (1)
- Channel Catfish • 6 Fish Daily Harvest Limit
- Striped, White, or Hybrid Striped Bass (16) • Catch and Release Only
- Large or Smallmouth Bass (14) • Protected Slot Length Limit with only 1 Fish  $\geq 18"$  and 2 Fish  $< 14"$
- Bluegill and Readear Sunfish • 15 Fish, either singly or in the aggregate, Daily Harvest Limit, of which only 5 Fish may be  $\geq 8"$
- White, Black, or Hybrid Crappie • 15 Fish Daily Harvest Limit with only 5 Fish  $< 10"$  and 10 Fish  $\geq 10"$

**Wyman Lake**, City of Sullivan

Moultrie County

- All Fish • 2 Pole and Line Fishing Only (1)
- Channel Catfish • 6 Fish Daily Harvest Limit
- Large or Smallmouth Bass (14) • 15" Minimum Length Limit
- 1 Fish Daily Harvest Limit
- Trout • Spring Closed Season (11)

**Yellow Creek**

Stephenson County

- Trout • Spring Closed Season (11)

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 810.70 Free Fishing Days**

During the period of June ~~1914~~, ~~2015~~, ~~2116~~ and ~~2217~~, ~~2020~~~~2019~~, 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

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trout stamp.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Commercial Fishing and Musseling in Certain Waters of the State
- 2) Code Citation: 17 Ill. Adm. Code 830
- 3) Section Number: 830.80                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update site-specific regulations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Changes to this Part were made based on fisheries survey data and management goals.
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other 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 rulemaking:

John Heidinger, Legal Counsel  
Department of Natural Resources  
One Natural Resources  
Springfield IL 62702

217/557-6379

- 13) Initial Regulatory Flexibility Analysis:

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- 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) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2019

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

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## NOTICE OF PROPOSED AMENDMENT

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

## PART 830

## COMMERCIAL FISHING AND MUSSELING IN CERTAIN WATERS OF THE STATE

## Section

830.5	Definitions
830.10	Waters Open to Commercial Harvest of Fish
830.11	Special Regulations for the Commercial Harvest of VHS-Susceptible Fish Species
830.12	Special Regulations for the Commercial Harvest of Bighead Carp, Silver Carp, Grass Carp and Black Carp
830.13	Special Regulations for the Commercial Harvest of Roe-Bearing Species
830.14	License Requirements
830.15	Waters Open to Commercial Harvest of Crayfish
830.20	Waters Open to Commercial Harvest of Mussels and Seasons
830.25	Daily Fee Fishing Area
830.30	Special Regulations
830.40	Devices
830.50	Permission
830.60	Species
830.70	Size and Creel Limit
830.80	Commercial Fishing and Musseling in Additional Waters
830.90	Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals and Reporting Requirements

AUTHORITY: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5].

SOURCE: Adopted at 5 Ill. Reg. 6809, effective June 16, 1981; codified at 5 Ill. Reg. 10648; emergency amendment at 6 Ill. Reg. 6468, effective May 18, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 10680, effective August 20, 1982; amended at 7 Ill. Reg. 2707, effective March 2, 1983; amended at 10 Ill. Reg. 6926, effective April 15, 1986; amended at 11 Ill. Reg. 9513, effective May 5, 1987; amended at 12 Ill. Reg. 11714, effective June 30, 1988; amended at 15 Ill. Reg. 8544, effective May 24, 1991; amended at 16 Ill. Reg. 5257, effective March 20, 1992; amended at 17 Ill. Reg. 3177, effective March 2, 1993; emergency amendments at 18 Ill. Reg. 4671, effective March 14, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 9985, effective June 21, 1994; amended at 19 Ill. Reg. 5250, effective March 27, 1995; recodified by

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changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 4700, effective April 1, 1997; amended at 22 Ill. Reg. 6697, effective March 30, 1998; amended at 24 Ill. Reg. 4945, effective March 13, 2000; amended at 29 Ill. Reg. 6277, effective April 25, 2005; amended at 31 Ill. Reg. 13187, effective August 30, 2007; amended at 34 Ill. Reg. 2938, effective February 19, 2010; emergency amendment at 34 Ill. Reg. 15884, effective October 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 4187, effective February 22, 2011; amended at 36 Ill. Reg. 11161, effective July 3, 2012; amended at 36 Ill. Reg. 12120, effective July 16, 2012; emergency amendment at 37 Ill. Reg. 19912, effective December 2, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 9043, effective April 14, 2014; amended at 39 Ill. Reg. 11034, effective July 22, 2015; amended at 39 Ill. Reg. 14581, effective October 20, 2015; amended at 41 Ill. Reg. 4819, effective April 18, 2017; amended at 43 Ill. Reg. 3524, effective February 27, 2019; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 830.80 Commercial Fishing and Musseling in Additional Waters**

- a) Additional public waters may be open to targeted commercial fishing or musseling by a Special Use Permit. Any licensed commercial fisherman or musseler who wishes to fish in any water not listed under Section 830.10, 830.20 or 830.80(i) must request permission from the Division of Fisheries. The Division will determine whether the fish, crayfish or mussel resource can support such activity and whether the activity is in the best interests of the general public. If so, the Department shall issue a Special Use Permit for targeted removal specifying the type of gear, season, species of fish, crayfish or mussel that shall be removed, and any other regulations as shall be necessary to protect the resource.
- b) The standards for determining whether or not an additional fishery will be open to targeted commercial fishing or musseling shall include: a biological sampling of the commercial fish, crayfish or mussel population to determine the relative abundance of the species present; an assessment of the impact of commercial fishing or musseling gear on sport fish, crayfish or mussel populations; a determination of the potential impact of commercial fishing or musseling activities on other water-based recreation; a determination of whether the fish are safe for public consumption (U.S. Food and Drug Administration standards are followed (21 CFR 109.30 (2014))); and a fair and equitable allocation of commercial fishing or musseling opportunities.

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- c) For commercial musseling, in addition to the criteria listed in subsection (b), both of the specific criteria listed below must be met for areas to be open or remain open to commercial harvest of selected mussel species:
- 1) sub-legal to legal mussel (same species) ratio equal to or exceeding 2:1;  
and
  - 2) catch rate (CPUE) of individual specimens of a given species, as measured by a timed diver sample equal to or exceeding 60 per hour.
- d) For commercial fishing, in addition to the criteria listed in subsection (b), the specific criteria that must be met for areas to be open or remain open to commercial harvest of selected fish includes: the results of a biological survey of the fish population present that indicates the total biomass of fish species listed in Section 830.60(a), with the exception of catfish, paddlefish and shovelnose sturgeon, is more than the combined biomass of the sport fishes listed in subsection (e).
- e) The following fishes shall be considered "sport fishes" for the purposes of determining whether a body of water meets the criteria established under subsection (d):
- 1) The following members of the sunfish family (Centrarchidae):
    - black crappie – *Pomoxis nigromaculatus*
    - bluegill – *Lepomis macrochirus*
    - largemouth bass – *Micropterus salmoides*
    - rock bass – *Ambloplites rupestris*
    - redeer sunfish – *Lepomis microlophus*
    - smallmouth bass – *Micropterus dolomieu*
    - spotted bass – *Micropterus punctulatus*
    - white crappie – *Pomoxis annularis*

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- 2) The following members of the catfish family (Ictaluridae):
  - blue catfish – *Ictalurus furcatus*
  - brown bullhead – *Ameiurus nebulosus*
  - black bullhead – *Ameiurus melas*
  - channel catfish – *Ictalurus punctatus*
  - flathead catfish – *Pylodictis olivaris*
  - yellow bullhead – *Ameiurus natalis*
- 3) The following members of the pike family (Esocidae):
  - muskellunge – *Esox masquinongy*
  - northern pike – *Esox lucius*
- 4) The following members of the perch family (Percidae):
  - sauger – *Sander canadensis*
  - walleye – *Sander vitreus*
  - yellow perch – *Perca flavescens*
- 5) The following members of the temperate bass family (Moronidae):
  - Striped bass – *Morone saxatilis*
  - Striped bass X white bass hybrid – *M. Saxatilis* X *M. chrysops*
  - White bass – *Morone chrysops*
- f) Commercial fishing or musseling Special Use Permits will not be issued:

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- 1) for non-commercial purposes; or
  - 2) if an individual has been found guilty of a violation of a State Fish and Aquatic Life Code law or this Part during the past 12 months.
- g) Commercial fishing Special Use Permits may be issued for private bodies of water at the request of the owner or his or her authorized agent, if all of the following conditions have been satisfied:
- 1) The body of water is completely encompassed by land that is owned by an individual, leased by a tenant residing upon it, or controlled by ownership or lease by a private club or association.
  - 2) The commercial fisherman has obtained permission in writing from the owner, tenant or private club who controls the property and either:
    - A) None of the commercially-harvested fish are offered for barter or sale; or
    - B) If commercially-harvested fish are offered for barter or sale, it has been determined that either:
      - i) the fish are tested and found safe for public consumption (FDA standards are followed (21 CFR 109.30 (2004))); or
      - ii) the fish are sold to a market utilizing them for a product other than human consumption.
- h) Application procedures for targeted commercial fish removal Special Use Permits for the waters identified under subsections (i) and (j):
- 1) Illinois resident and non-resident commercial fishermen can submit an application for a Special Use Permit from June 1 through 15 of each year for any of the waters designated in subsection (i) or (j). Legally licensed Illinois resident commercial fishermen and non-resident commercial fishermen from states who share reciprocal waters (with commercial fishing reciprocal agreements, including the states of Iowa, Indiana, Missouri and Kentucky) who were issued a commercial fish removal Special Use Permit in the previous year for the water body to which they

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are submitting an application and successfully harvested a minimum of 1,000 pounds of fish and abided by all provisions of the permit are eligible to obtain a Special Use Permit in the first computerized random drawing. In addition to the previously stated qualifications, to be eligible for this drawing, fishermen must provide the following information to the Department: name, current address, date of birth, choice of water body (see subsections (i) and (j)). If there are more applications than permits available, a computerized random drawing will be conducted on July 1 to allocate available permits.

- 2) Non-resident or resident commercial fishermen who did not obtain a permit in the first drawing or who desire an additional Special Use Permit can submit an application on July 1 through 15 of each year for any of the waters designated in subsection (i) or (j) for any remaining permits. If there are more applications than permits available, a drawing will be conducted on July 31 to allocate available permits.
  - 3) Any permits remaining after the first two allocations will be issued on a first come-first served basis.
- i) The following water bodies will be open to commercial removal of selected fish species under a Special Use Permit to be allocated pursuant to subsection (h) and subject to subsection (d):
- 1) Rock River – divided into 6 sections with one Special Use Permit allocated per section
  - 2) Rend Lake – maximum of 25 Special Use Permits
  - 3) Carlyle Lake – maximum of 25 Special Use Permits
  - 4) Mississippi River State Fish and Wildlife Area – maximum of 15 Special Use Permits
  - 5) Anderson Lake State Fish and Wildlife Area – maximum of 15 Special Use Permits
  - 6) Otter Creek in Green County (from the Route 100 crossing downstream to the Illinois River) – maximum of 2 Special Use Permits

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- 7) Macoupin Creek in Jersey and Green Counties (from the Reddish Ford Bridge downstream to the Illinois River) – maximum of 2 Special Use Permits
- 8) Quincy Bay – maximum of 3 Special Use Permits
- 9) Horseshoe Lake in Alexander County – Maximum of 5 Special Use Permits
- 10) Horseshoe Lake in Madison County – Maximum of 5 Special Use Permits
- 11) Taylorville City Lake – Maximum of 1 Special Use Permit
- 12) Clinton Lake – Maximum of 1 Special Use Permit
- 13) Rice Lake – Maximum of 15 Special Use Permits
- 14) Frank Holten State Park Lakes – Maximum of 1 Special Use Permit
- 15) LaMoine River – Maximum of 10 Special Use Permits
- 16) Spoon River – Maximum of 10 Special Use Permits
- 17) Washington County Lake – Maximum of 1 Special Use Permit
- 18) Mernet Lake – Maximum of 1 Special Use Permit
- 19) Powerton Lake – Maximum of 1 Special Use Permit
- 20) Lake Decatur – Maximum of 1 Special Use Permit
- 21) Bay Creek – Maximum of 2 Special Use Permits
- 22) Kiser Creek – Maximum of 2 Special Use Permits
- 23) [Sweede Lake – Maximum of 2 Special Use Permits](#)

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- j) The following water bodies, all currently open to commercial fishing under Section 830.10, will be open to commercial removal of selected fish species with the use of trammel and gill nets under a Special Use Permit to be allocated pursuant to subsection (h) and subject to subsection (d):
- 1) Kaskaskia River – maximum of 20 Special Use Permits
  - 2) Sangamon River – maximum of 15 Special Use Permits
  - 3) Big Muddy River – maximum of 10 Special Use Permits
  - 4) Saline River – maximum of 6 Special Use Permits
- k) For any U.S. Fish and Wildlife Service (USFWS) special use permit issued to commercial fisherman for commercial harvest of selected fish species within USFWS National Wildlife Refuge areas, a Special Use Permit pursuant to subsection (a) must be obtained from the Department. All Illinois laws and regulations apply.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Commercial Fishing in Lake Michigan
- 2) Code Citation: 17 Ill. Adm. Code 850
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
850.25	Amendment
850.30	Amendment
850.40	Amendment
850.50	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to bring this rule up to date with recent changes in the Fish and Aquatic Life Code.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Changes made to this Part were based on fisheries survey data, management goals and additions of new fishing waters.
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other 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:

John Heidinger, Legal Counsel  
Department of Natural Resources  
One Natural Resources  
Springfield IL 62702

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217/557-6379

- 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) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2019

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

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TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 850  
COMMERCIAL FISHING IN LAKE MICHIGAN

## Section

850.5	Introduction
850.10	Possession and Identification of Gear
850.20	Quota
850.25	Seasons
850.30	Restricted Commercial Fishing Areas
850.40	Limited Entry
850.50	License Eligibility and License Provisions
850.60	Application for License
850.80	Suspension or Revocation

**AUTHORITY:** Implementing and authorized by Sections 1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5].

**SOURCE:** Adopted at 3 Ill. Reg. 44, p. 46, effective November 1, 1979; codified at 6 Ill. Reg. 877; amended at 6 Ill. Reg. 3846, effective March 31, 1982; amended at 7 Ill. Reg. 2711, effective March 2, 1983; amended at 8 Ill. Reg. 7220, effective May 15, 1984; emergency amendment at 9 Ill. Reg. 4854, effective April 2, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 6179, effective April 23, 1985; amended at 10 Ill. Reg. 9789, effective May 21, 1986; amended at 12 Ill. Reg. 7996, effective April 25, 1988; amended at 16 Ill. Reg. 11029, effective June 30, 1992; emergency amendment at 16 Ill. Reg. 12626, effective July 24, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18967, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 17263, effective September 23, 1993, for a maximum of 150 days; emergency expired February 20, 1994; amended at 18 Ill. Reg. 5834, effective April 5, 1994; emergency amendment at 19 Ill. Reg. 5257, effective April 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10568, effective July 1, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 5553, effective April 19, 1997; amended at 24 Ill. Reg. 8895, effective June 19, 2000; amended at 28 Ill. Reg. 4697, effective March 1, 2004; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 850.25 Seasons**

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The commercial harvest of yellow perch is prohibited from ~~May~~July 1 through ~~June 15~~July 31, inclusive, annually. All yellow perch incidentally caught in gill nets during this time must be removed immediately from the gill nets as they are brought on board the vessel and returned to the water at once in the same condition as taken.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 850.30 Restricted Commercial Fishing Areas**

- a) During the ~~months~~month of ~~July and~~ August, commercial gill net fishing may be undertaken anywhere in the Illinois portion of Lake Michigan outside of the 1,000 yard distance from any pier, breakwater, or similar structure, or the low water mark on the shore. From the months of September through ~~April and from June 16 through June 30~~, inclusive, commercial fishermen must fish in water depths of at least 5 fathoms (30 feet) or deeper to minimize incidental catch of salmon and trout.
- b) The following described area in Lake Michigan is established as fish refuge and it shall be unlawful for any person to place any commercial fishing device in it: all waters on or adjacent to any area commonly referred to as Julian's Reef, located in a general area bounded by 42 16'00" north latitude on the north, 87 29'00" west longitude on the east, 42 11'00" north latitude on the south and 87 35'00" west longitude on the west, on U.S. lake survey navigational chart #75, edition of April 1972 (National Oceanic and Atmospheric Administration).
- c) During the months of August and September, all gill nets set in the Illinois portion of Lake Michigan in waters up to 20 fathoms (120 feet) in depth shall not be set prior to sunrise and must be removed from the water prior to sunset on the same day.
- d) ~~From May 1 through June 15, inclusive~~During the month of July, all gill nets must be placed in waters greater than 20 fathoms (120 feet) in depth to minimize the incidental catch of yellow perch.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 850.40 Limited Entry**

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- a) The Department ~~may~~shall issue 5 commercial licenses for taking yellow perch and bloater chub. Each licensee may fish only with the fishing vessel designated on each license. ~~Five licenses shall be issued for the fishing year that began April 1, 1992, and the Department shall issue licenses from time to time so that 5 valid licenses are always outstanding at any one time.~~
- b) Any individual or corporate license holder who continues to meet eligibility requirements in Section 850.50 will receive priority for available licenses over new commercial fishing candidates. ~~Allocation of commercial fishing licenses was determined by a public drawing conducted June 27, 1975. The ranking order in this drawing has been used for expanding numbers of fishing licenses subsequently. Each commercial fishing license for the 1992 fishing year and thereafter shall be issued as follows:~~
- 1) ~~All valid licenses held by individuals or corporations as of April 1, 1992 shall remain in full force and effect.~~
  - 2) ~~Thereafter, licenses shall be issued as necessary to reach and maintain a total of 5 outstanding licenses as follows:~~
    - A) ~~First, to any individual or corporation as described in Section 850.50 who was licensed through a harvest contract pursuant to the public lottery drawing conducted by the Director on June 27, 1975, but such individual or corporation did not hold a valid commercial license for whatever reason on April 1, 1992; provided, that the contractor shall have served any stated period of any license suspension or revocation established by an order of the Director. Among those individuals or corporations that meet the criteria under this item, priority shall be given to the individual or corporation that has been without a valid commercial license for the longest period of time [515 ILCS 5/15-32].~~
    - B) ~~Second, to any other individual or corporation entrant who had his specific name drawn in the public lottery drawing conducted by the Director on June 27, 1975 but was not licensed as a harvest contractor at that time or thereafter.~~
    - C) ~~Third, if there are insufficient license applicants available at the beginning of any fishing year who meet the requirements for~~

## DEPARTMENT OF NATURAL RESOURCES

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~~licensure under this Section for the Director to issue 5 licenses, the Director shall order and conduct a new public lottery drawing before the commencement of the fishing year and shall draw his applicant list from a roster of qualified operators. Should an eligible candidate whose name is reached on the list for license elect not to receive a license or in the event a licensee's license is revoked for cause, then that eligible applicant or licensee shall be deleted from the eligible list then in effect.~~

- c) At times determined by the Director, the Department will advertise a public drawing to accept new qualified commercial fishing candidates and establish a ranking order, based on the result of the drawing, for these new candidates to fill open Lake Michigan commercial fishing licenses. This ranking order shall be used until the list of eligible candidates is exhausted.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 850.50 License Eligibility and License Provisions**

Lake Michigan Commercial Fishing License commences April 1 and expires March 31 and shall be valid for a period of 3 years. To be eligible for a license to fish commercially during a given fishing license year, the applicant, license holder, must meet the following requirements:

- a) Be an individual who has actually resided in Illinois for one year immediately preceding his application for a license to be allowed to fish commercially and who does not claim residency for commercial fishing purposes in another state or country.
- b) Be a corporation incorporated in Illinois for at least one year immediately preceding the application for a license to fish commercially during a given fishing year, or a corporation incorporated in Illinois by a currently licensed Lake Michigan Commercial Fisherman.
  - 1) All stockholders of the corporations shall have been Illinois residents for at least one year immediately prior to owning any stock or interest in the corporation, and remain Illinois residents as long as they own such stock or interest.

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- 2) Individuals licensed as Lake Michigan Commercial Fisherman who wish to place the license into corporate control must own a controlling interest in the corporation (owns or controls more than 50%) at the time of transfer. The corporations need not have been in existence for one year, but must meet all other requirements.
  - 3) All ~~transfer~~transfer of ownership interest in the corporation must be reported to the Department within 10 days after transfer.
  - 4) No such corporation may be wholly or partially owned by another corporation, and no individual shall own any part of more than one business entity holding a Lake Michigan Commercial Fishing License.
- c) Have ownership or legal control of a vessel of at least 12 net tons as documented by the U. S. Coast Guard, showing an Illinois port of registration, having valid United States Coast Guard documentation in full force and effect, and in compliance with all State requirements established for such vessels in the Boat Registration and Safety Act [625 ILCS 45].
- 1) Any request for redesignation of a fishing vessel to be used by the license holder must be submitted in writing to and approved in writing by the Chief, Division of Fisheries. Approval will be granted if the requested vessel meets the U.S. Coast Guard documentation requirements and the license holder has a valid reason for redesignation, such as loss or damage of the designated vessel or purchase of another vessel. Such requests must clearly state the reasons for redesignation, and the anticipated period of use and shall be accompanied by a copy of the United States Coast Guard document for the requested vessel. Use of the vessel designated in Illinois for commercial fishing purposes in another state shall, upon verification, nullify the designated status of the vessel for commercial fishing purposes in Illinois.
  - 2) When more than one license designates the same vessel under this subsection (c), only one license at a time may be fished until the entire quota under that license has been harvested. In addition, before any licensee commences fishing, he must submit a written request to fish from the designated boat, and receive written authorization from the Chief of the Division of Fisheries.

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- d) Have at least 6,000 feet of properly licensed gill netting possessing a diagonal stretched mesh measurement between  $2\frac{3}{8}$  inches through  $2\frac{3}{4}$  inches.
- e) Agree to keep accurate daily records of catch and must submit catch reports monthly to the Department by the 15<sup>th</sup> day of the following month on forms furnished by the Department (whether licensee did or did not catch fish). All monthly catch reports must be signed by the licensee or corporate chief executive officer. Failure to submit the required catch reports shall be grounds for suspension or revocation of the Lake Michigan Commercial Fishing License.
- f) Submit a yearly operational plan by months clearly identifying the port from which the vessel will operate and the exact location at which all harvested fish will be transferred from the vessel to shore. Transfer of fish from the license vessel to another vessel or to shore at any other location not identified in the yearly operational plan shall be grounds for suspension or revocation of the Lake Michigan commercial fishing license.
- g) Permit Department biologists and Conservation Police Officers to obtain information from fish harvested, such as lengths, weights, scale samples, sex, etc., as deemed necessary for management of Lake Michigan fish stocks.
- h) License all of the commercial equipment as required by the Illinois Fish and Aquatic Life Code and this Part. A license holder shall not fish under the commercial fishing license of another person.
- i) The captain of commercial fishing crews on board the vessel must be a resident of the State of Illinois in accordance with the definition in Section ~~1-804.3~~ of the Illinois Fish and Aquatic Life Code [\[515 ILCS 5\]](#).
- j) The designated captain of the commercial fishing crew shall obtain a sport fishing license in addition to his or her commercial fishing license, unless he or she is exempted from being required to obtain a sport fishing license. All individuals assisting a licensed commercial fisherman shall first obtain a sport fishing license, unless he or she is exempted from being required to obtain a sport fishing license.
- kj) The licensee shall notify the Chief, Division of Fisheries, of any changes (except captain) in commercial fishing crew members in writing within 14 days after the change. Changes in captains requires prior written Department approval by the Chief, Division of Fisheries, and all such requests must be submitted in writing to

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the Chief, Division of Fisheries. Approval will be given if the captain meets the requirements set forth in this Section.

- lk) A copy of the Lake Michigan Commercial Fishing license and a current listing of the captain and designated crew must be kept on board the fishing vessel at all times during the commercial fishing operations.
- ml) The licensee or the designated captain of the commercial fishing crew must be on board the vessel at all times during the commercial fishing operations. The licensee shall remain responsible for all obligations owed to the State of Illinois relating to the license, whether the licensee is on board the vessel or not.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Secure Choice Savings Program
- 2) Code Citation: 74 Ill. Adm. Code 721
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
721.200	Amendment
721.380	Amendment
721.400	Amendment
721.410	Amendment
721.415	New Section
721.430	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 90 of the Illinois Secure Choice Savings Program Act [820 ILCS 80].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates the existing rule to provide guidance on private employment organizations (PEO's) and include Taft-Hartley plans within the definition of a qualified retirement plan. Additionally, this rulemaking makes technical changes, including adding traditional IRAs as an option under the Secure Choice Program pursuant to Senate Bill 1787, which passed the General Assembly on May 23, 2019.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand 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: Comments on this proposed rulemaking may be submitted in writing for a

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period of 45 days following publication of this Notice. Comments should be submitted to:

Sara Meek  
Director of Legislative Affairs  
Illinois State Treasurer  
219 State House  
Springfield IL 62706

217/524-0530  
fax: 217/785-2777  
SMeek@illinoistreasurer.gov

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Businesses and not-for-profits that have 25 or more employees, have been in operation for two years or more, and do not offer a qualified retirement savings plan to their employees.
- B) Reporting, bookkeeping or other procedures required for compliance: Businesses and not-for-profits that participate in Secure Choice will be required to facilitate the payroll deduction in the program for each of their employees, but will not have any managerial responsibilities.
- C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis:

- A) Types of businesses subject to the proposed amendments:
  - 11 Agriculture, Forestry, Fishing and Hunting
  - 21 Mining
  - 22 Utilities
  - 23 Construction

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31-33	Manufacturing
42	Wholesale Trade
44-45	Retail Trade
48-49	Transportation and Warehousing
51	Information
52	Finance and Insurance
53	Real Estate Rental and Leasing
54	Professional, Scientific, and Technical Services
55	Management of Companies and Enterprises
56	Administrative and Support and Waste Management and Remediation Services
61	Educational Services
62	Health Care and Social Assistance
71	Arts, Entertainment, and Recreation
72	Accommodation and Food Services
81	Other Services (except Public Administration)
92	Public Administration

B) Categories that the Agency reasonably believes the rulemaking will impact, including:

- ii. regulatory requirements
- iii. record keeping

15) Regulatory Agenda on which this rulemaking was summarized: July 2019

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 74: PUBLIC FINANCE

CHAPTER V: TREASURER

PART 721

SECURE CHOICE SAVINGS PROGRAM

SUBPART A: INTRODUCTION AND PURPOSE OF PROGRAM

- Section
- 721.100 Establishment of Program
- 721.110 Purpose of Program

SUBPART B: DEFINITIONS

- Section
- 721.200 Definitions

SUBPART C: ADMINISTRATION

- Section
- 721.300 Responsibilities of the Board
- 721.310 Responsibilities of the Treasurer
- 721.320 Responsibilities of the Department
- 721.330 Investment Policy and Guidelines
- 721.340 Responsibilities of the Account Administrator
- 721.350 Applicable Law
- 721.360 Program Fees
- 721.370 Administrative Fund
- 721.380 Reporting Requirements
- 721.390 Forms
- 721.395 Information Packets

SUBPART D: PARTICIPATION IN THE PROGRAM

- Section
- 721.400 Eligibility
- 721.410 Registration and Enrollment
- [721.415 Client Employer Registration and Enrollment](#)
- 721.420 Voluntary Participation

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- 721.430 Opt Out Procedures  
721.440 Termination of Participation

## SUBPART E: ACCOUNTS, INVESTMENTS AND STATEMENTS

- Section  
721.500 Accounts  
721.510 Contributions  
721.520 Participant Statements  
721.530 Limits on Investments and Direction  
721.540 Rollovers, Transfers and Conversions

## SUBPART F: WITHDRAWALS

- Section  
721.600 Withdrawals  
721.610 Withdrawal Method  
721.620 Closure

## SUBPART G: MISCELLANEOUS

- Section  
721.700 Abandoned Accounts  
721.710 Disclosure  
721.720 Website

**AUTHORITY:** Implementing and authorized by Section 90 of the Illinois Secure Choice Savings Program Act [820 ILCS 80].

**SOURCE:** Adopted at 42 Ill. Reg. 18457, effective September 25, 2018; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: DEFINITIONS

**Section 721.200 Definitions**

The following definitions shall apply to this Part:

"Act" means the Illinois Secure Choice Savings Program Act [820 ILCS 80].

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"Account" means the IRA of a participant established and maintained under the Program.

"Account Administrator" means the person or firm selected by the Board to administer the daily operations of the Program and provide marketing, recordkeeping, investment management, custodial, and other services for the Program.

"Account Revocation Period" means the period of time starting from the date an employee's ~~Roth~~ IRA is established and the employee receives the disclosure statement and ending on the earlier of:

90 days after the date of the employee's first Secure Choice Account contribution; or

the Close of Business on the Business Day that the employee makes an Alternate Contribution Election;

provided, however, the Account Revocation Period shall last a minimum of seven days from the date the ~~Roth~~ IRA is established and the employee receives the disclosure statement.

"Administrative Expenses" means all expenses associated with the implementation and administration of the Program, including fees payable to third parties providing services related to the Program.

"Administrative Fund" means the Illinois Secure Choice Administrative Fund created in Section 5.867 of the State Finance Act [30 ILCS 105].

"Beneficiary" means any person or entity designated by the participant to receive the benefits of the account in the event that the participant dies.

"Board" means the Illinois Secure Choice Savings Board or its designee or designees, which includes the Treasurer or one or more third party service providers.

"Business Day" means any day on which the New York Stock Exchange is open for trading.

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"Client Employer" means an individual or entity that has contracted with a Professional Employer Organization to supply it with, or assume responsibility for, personnel management of one or more workers who perform services on an ongoing basis, rather than under a temporary help arrangement as defined in Section 15 of the Employee Leasing Company Act [215 ILCS 113]. For purposes of this Part, an employee who is performing services for a client employer pursuant to a contract between the client employer and a PEO shall be treated as employed by the client employer.

"Close of Business" means the time of day that trading closes on the New York Stock Exchange, generally 4 p.m. Eastern Standard Time.

"Day" means any calendar day.

"Department" means the Illinois Department of Revenue.

"Employee" means any individual who is 18 years of age or older, who is employed by an employer or client employer, and who has wages that are allocable to Illinois during a calendar year under the provisions of Section 304(a)(2)(B) of the Illinois Income Tax Act [35 ILCS 5]. "Employee" includes both part-time and full-time employees.

"Employer" means a person, ~~or~~ entity or client employer engaged in a business, industry, profession, trade, or other enterprise in Illinois, whether for profit or not for profit, that:

has, at no time during the previous calendar year, employed fewer than 25 employees in the State as indicated in contribution and wage reports submitted to the Illinois Department of Employment Security;

*has been in business at least 2 years; and*

*has not offered a qualified retirement plan in the preceding 2 years.*

"Fund" means the Illinois Secure Choice Savings Program Fund.

"Internal Revenue Code" means Internal Revenue Code of 1986 (26 USC), or any successor law, in effect for the calendar year.

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"Investment Policy" means the Investment Policy Statement adopted by the Board, pursuant to the Act, which includes a risk management and oversight program and sets forth the policies, objectives and guidelines that govern the investment of contributions to the Program.

"IRA" means a Roth or Traditional IRA (individual retirement account) under section 408 or 408A of the Internal Revenue Code.

"IRS" means the Internal Revenue Service.

"Large Employer" means a person or entity engaged in a business, industry, profession, trade, or other enterprise in Illinois, whether for profit or not for profit, that:

has, at no time during the previous calendar year, employed fewer than 25 employees in the State, as indicated in contribution and wage reports submitted to the Illinois Department of Employment Security;

has been in business at least 2 years; and

offers a qualified retirement plan, but notifies the Board that it is interested in making the Program available to its employees in addition to its own qualified retirement plan.

"Online Portal" means the electronic platform utilized by the account administrator to manage the daily operations of the Program.

"Participant" or "Enrollee" means any individual who has an account.

"Participating Employer" means an employer, large employer, ~~or~~ small employer, or client employer that facilitates a payroll deposit retirement savings arrangement as provided for by the Act for its employees.

"Payroll Deposit Retirement Savings Arrangement" means an arrangement by which a participating employer facilitates payroll deduction contributions from enrollees to the Program.

"Professional Employer Organization" or "PEO" means an individual or entity that contracts with a client employer to supply or assume responsibility for

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personnel management of one or more workers who perform services for the client employer on an ongoing basis, rather than under a temporary help arrangement as defined in Section 15 of the Employee Leasing Company Act. For purposes of this Part, PEOs are not the employer of any employee who is performing services for a client employer pursuant to a contract between the client employer and a PEO.

*"Program" means the Illinois Secure Choice Savings Program.*

"Qualified Retirement Plan" includes a plan qualified under section 401(a), 401(k), 403(a), 403(b), 408(k) or 408(p) of the Internal Revenue Code. The term also includes an eligible governmental plan under section 457(b) of the Internal Revenue Code, as well as Simplified Employee Pension (SEP) plans, ~~and~~ Savings Incentive Match Plan for Employees (SIMPLE) plans, and Taft-Hartley plans. Payroll deduction IRA programs are not qualified retirement plans.

*"Small Employer" means a person or entity engaged in a business, industry, profession, trade, or other enterprise in Illinois, whether for profit or not for profit, that:*

*employed ~~fewer~~ less than 25 employees at any one time in the State throughout the previous calendar year, as indicated in contribution and wage reports submitted to the Illinois Department of Employment Security;*

*has been in business less than 2 years; or*

*meets both of these criteria,*

*but notifies the Board that it is interested in being a participating employer.*

"Treasurer" means the duly elected Treasurer of the State of Illinois or his or her designee or designees.

"Wages" means W-2 wages, as defined in 26 CFR 1.415(c) through 2(d)(4)<sub>2</sub> that are received by an enrollee from a participating employer during the calendar year. [820 ILCS 80/5] For purposes of this Part, wages paid to employees by PEOs on behalf of a client employer shall be deemed wages paid by a client employer.

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"Withdrawal" means a distribution of assets from an account.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: ADMINISTRATION

**Section 721.380 Reporting Requirements**

- a) *The Board shall annually submit to the Governor, the Comptroller, the Treasurer, and the General Assembly, during each fiscal year, by January 1 of the following year, an audited financial report, prepared in accordance with generally accepted accounting principles, on the operations of the Program.~~to the Governor, Comptroller, Treasurer, and General Assembly~~ The report shall be provided electronically to any member of the General Assembly upon request. Additionally, the Board shall provide periodic reports at least annually to participating employers, reporting the names of each enrollee employed by the participating employer and the amounts of contributions made by each employee during the reporting period, as allowed under federal and State laws governing IRAs, as well as to enrollees, reporting contributions and investment income allocated to, withdrawals from, and balances in, their Program accounts for the reporting period.*
- b) *For each State fiscal year, the~~The~~ Treasurer will ~~shall~~ prepare a report, in consultation with the Board, that includes a summary of the benefits provided by the Program, including the number of enrollees in the Program, the percentage and amounts of investment options and rates of return, and such other information that is relevant to make a full, fair, and effective disclosure of the operations of the Program and the Fund. The report will be made available on the Program website (see Section 721.720) by the January following the end of the State fiscal year. [820 ILCS 80/80]*

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: PARTICIPATION IN THE PROGRAM

**Section 721.400 Eligibility**

- a) *Provided they meet the requirements of section 408 and 408(A) of the Internal*

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Revenue Code, the following individuals are eligible to participate in the Program:

- 1a) All employees who work for employers that have 25 or more employees, that have been in business for at least 2 years, and that do not offer qualified retirement plans will be automatically enrolled in the Program;
  - 2b) All employees who work for a small employer that chooses to make the Program available to its employees;
  - 3e) All employees who work for a large employer that chooses to make the Program available to its employees in addition to its own qualified retirement plan;
  - 4d) Any employee who does not work for a participating employer may set up his or her own account but may be required to make contributions through methods other than a payroll deduction; and
  - 5e) Any individual with earned income during the calendar year, regardless of whether he or she works for an employer.
- b) Total employee count is based on employer contribution and wage reports submitted to the Illinois Department of Employment Security. Entities reporting at least 25 employees for all four quarters of the calendar year will be deemed to have 25 employees for a full calendar year. Entities reporting fewer than 25 employees for one or more quarters of the calendar year will be deemed as having fewer than 25 employees for the full calendar year.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 721.410 Registration and Enrollment**

- a) The Board shall establish an initial implementation timeline under which employers shall register for the Program and facilitate enrollment of their employees into the Program. The Board shall approve the implementation timeline at a public meeting of the Board and make the timeline publicly available by posting it on the Board's or Treasurer's website (see Section 721.720).

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- b) After initial implementation, the Board shall identify and notify employers not yet registered for the Program and facilitate enrollment of their employees into the Program on an annual basis.
- ~~c~~b) The account administrator shall notify employers of the dates on which registration and enrollment of employees may begin and the dates by which registration of employers and enrollment of employees must be complete. The account administrator shall also provide employers with access to an online portal to register for the Program and facilitate enrollment of their employees.
- ~~d~~e) Registration Information
- 1) In order to register for the Program, employers shall verify the following information on the online portal:
    - A) Employer name and assumed business name, if any;
    - B) Federal Employer Identification Number;
    - C) Employer mailing address;
    - D) Name, title, telephone number and email address of an individual designated by the employer to serve as the point of contact;
    - E) Number of employees; and
    - F) Any additional information necessary for registration.
  - 2) In the event that any of the information listed in this subsection (~~d~~e) is not available on the online portal or inaccurate, employers shall provide the missing or correct information, as applicable.
- ~~e~~d) An employer who lacks access to the internet may register for the Program and facilitate enrollment of its employees through alternate means established by the Program, including by phone and paper forms.
- ~~f~~e) By a date specified by the Board, employers shall facilitate enrollment of their employees into the Program and provide the account administrator with the following information for each employee:

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- 1) Full legal name;
  - 2) Social security number or taxpayer ID number;
  - 3) Date of birth;
  - 4) Mailing address;
  - 5) Employee's designated email address, if available;
  - 6) Employee's phone number, if available; and
  - 7) Any additional information needed to complete the enrollment when the information submitted for enrollment is unclear or insufficient, or when further information is required for purposes of administering the Program.
- gf) The Board shall establish an automatic enrollment process for employees, which shall include the establishment of an IRA by or on behalf of the State for an employee before the first payroll deduction is made for each employee who has not opted out of the Program.
- hg) After initially facilitating enrollment of existing employees into the Program, participating employers shall enroll newly hired employees in the Program as soon as administratively possible, not to exceed 60 days after first payment of employee wages.
- ih) Participating employers shall not contribute to or endorse the Program, or execute any discretionary authority, control, or responsibility with respect to the Program.
- j) Any employer who is not required to participate in the Program but receives a registration notification from the account administrator shall indicate to the Program, through the online portal or by contacting the account administrator, that it is not required to participate.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 721.415 Client Employer Registration and Enrollment**

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- a) PEOs shall provide the Treasurer with a list of all Illinois client employers with whom they have a contract. On an annual basis, PEOs shall provide the following information for each client employer:
- 1) Full legal name;
  - 2) Doing Business As (DBA) Name, if applicable;
  - 3) FEIN, if available;
  - 4) Contact person's full name;
  - 5) Mailing address;
  - 6) Email address, if available;
  - 7) Client employer's phone number, if available;
  - 8) Number of employees; and
  - 9) Any additional information needed to contact the client employer when the information submitted is unclear or insufficient, or when further information is required for purposes of administering the Program.
- b) The account administrator will contact each client employer to facilitate the registration and enrollment of its employees, as outlined in Section 721.410.

(Source: Added at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 721.430 Opt Out Procedures**

- a) Employees who do not wish to participate in the Program will be given an opportunity to opt out before any payroll deduction contribution is made. The Board shall ensure that an employee has a minimum of 30 days to opt out of the Program from the time he or she is notified that the employer has facilitated the employee's enrollment before an IRA is established and the first payroll deduction is made ~~to opt out of the Program~~.

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- b) The account administrator shall provide employees with a number of opt out methods, including electronically and by phone.
- c) Any employee who does not opt out of the Program within the 30 day period described in subsection (a) will be automatically enrolled in the Program, and an IRA will be established for that employee pursuant to Section 721.410(gf) before the first payroll deduction is made.
- d) Any employee who is enrolled in the Program can cease participation and revoke his or her Roth IRA during the account revocation period.
- e) Employees can opt out after the account revocation period at any time by giving notice to the account administrator, and participants may cease making contributions to their accounts at any time by giving notice to the account administrator. After receiving notice, the account administrator shall notify the employer to cease payroll deductions for the participants. Employers shall cease payroll deductions as soon as administratively feasible, not to exceed 30 days following receipt of the notification from the administrator.
- f) Employees who opt out of the Program may enroll at any time by following the Program's enrollment procedures. Following notification of the employee's intent to enroll, employers shall enroll employees as soon as administratively feasible, not to exceed 30 days following receipt of the notification.

(Source: Amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Board Action
- 2) Code Citation: 71 Ill. Adm. Code 10
- 3) 

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
10.105	New Section
10.110	Amendment
10.120	Amendment
10.130	Amendment
10.150	Amendment
10.160	Amendment
10.170	Amendment
10.200	Amendment
10.210	New Section
10.220	New Section
- 4) Statutory Authority: Implementing and authorized by the Capital Development Board Act [20 ILCS 3105] and authorized by Sections 2.05 and 2.06 of the Open Meetings Act [5 ILCS 120].
- 5) Effective Date of Rules: November 20, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Capital Development Board's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 43 Ill. Reg. 1; January 4, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Substantive changes made in response to public comments and to further clarify the rule include:

Adding language to Section 10.200(a)(2) clarifying that Board approval is not required for the Capital Development Board to engage the Office of the Attorney General for litigation.

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

Removing Section 10.210(a), which restricted the time for public comment to the end of each open meeting.

Adding language to Section 10.210 granting the Chairperson discretion to extend the five-minute allotment provided to each person with a public comment when necessary.

Adding language to Section 10.220 clarifying that a recording may be made from any seat in the audience of a Board meeting or from the back of the meeting room.

Additionally, the Chairperson may ask that recording equipment be relocated or that the recording be discontinued if the noise from the recording prevents Board members or the public from hearing the meeting.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The purpose of this rulemaking is to remove language that is inconsistent with or duplicitous to the Open Meetings Act [5 ILCS 120], such as public notice and public access requirements; to add language required by the Open Meetings Act related to the recording of meetings and public comment; to update the rules to reflect current practice by removing language related to the addition of agenda items, the timeframe for which the Board must receive the agenda, and Robert's Rules of Order; and adding language that allows the Capital Development Board to file a lawsuit or an appeal without prior Board authorization under certain circumstances provided that the Board is allowed to ratify the filing at the next meeting.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Lauren Noll  
Capital Development Board  
401 South Spring Street  
3<sup>rd</sup> Floor Stratton Building  
Springfield IL 62706

217/782-0700

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

fax: 217/524-0565

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

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY  
CHAPTER I: CAPITAL DEVELOPMENT BOARD  
SUBCHAPTER a: RULESPART 10  
BOARD ACTION

## Section

<a href="#">10.105</a>	<a href="#">Definitions</a>
10.110	General Policy
10.120	Schedule and Notice
10.130	Quorum
10.140	Vice-Chairperson & Secretary
10.150	Agenda <del>and Order of Proceedings</del>
10.160	Rules for Meeting
10.170	Board Action
10.180	Minutes
10.190	Revision of Rules (Repealed)
10.200	Litigation
<a href="#">10.210</a>	<a href="#">Public Comment</a>
<a href="#">10.220</a>	<a href="#">Informal Recordings of Board Meetings</a>

AUTHORITY: Implementing and authorized by the Capital Development Board Act [20 ILCS 3105] and authorized by Sections 2.05 and 2.06 of the Open Meetings Act [5 ILCS 120].

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1980, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20240, effective October 1, 1984; amended at 20 Ill. Reg. 15226, effective November 15, 1996; amended at 21 Ill. Reg. 7114, effective May 20, 1997; amended at 43 Ill. Reg. 14084, effective November 20, 2019.

**Section 10.105 Definitions**

"Board" means the Capital Development Board as created in Section 5 of the Capital Development Board Act [20 ILCS 3105] or, if applicable, its designee.

"Executive Director" means the individual appointed by the Board to serve as the chief executive officer of the Board.

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 43 Ill. Reg. 14084, effective November 20, 2019)

**Section 10.110 General Policy**

- a) The Board shall conduct itself in accordance with the Open Meetings Act [5 ILCS 120] and all decisions of the Board shall be made pursuant to deliberations open to the public except to the extent permitted by Section ~~2(c)1.02~~ of the Open Meetings Act.
- b) It is the policy of the Board to permit public participation at all public meetings of the Board.
- c) ~~The public shall have free access to the agenda of all open meetings of the Board. Any person may, upon application to the Board, receive such agenda as they are promulgated from time to time.~~
- d) ~~The public shall have free access to minutes of open meetings of the Board and closed meeting minutes released pursuant to Section 2.06 of the Open Meetings Act. Any person may receive copies thereof on payment of the cost of reproduction. The charge assessed shall be based on the reproduction charges set forth in 2 Ill. Adm. Code 1651, App. B.~~

(Source: Amended at 43 Ill. Reg. 14084, effective November 20, 2019)

**Section 10.120 Schedule and Notice**

- a) Regular Meetings. ~~Prior to the beginning of each fiscal year, the~~The Board shall adopt ~~prior to the beginning of each fiscal year~~ a schedule of all its regular meetings. ~~That schedule~~which shall appear at least once in its minutes. The schedule shall include the dates, times and places of ~~thesuch~~ meetings. This schedule shall be posted at the Board's executive office in Springfield ~~and on its website~~. A copy of the schedule shall be sent to all parties requesting a copy. Requests should be mailed to: Executive Director, Capital Development Board, 401 South Spring Street, Springfield, Illinois 62706. ~~Requests are valid for one year after the date of receipt.~~
- b) Special Meetings. Upon the request of ~~two~~ or more members of the Board, one of whom may be the Chairperson, the Board may hold a special meeting on call of the Chairperson. ~~TheSuch~~ request of ~~two~~ or more members shall be evidenced

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

in written application to the Chairperson. At least 48 hours written notice of the special meeting shall be given to the members. ~~The Such~~ written notice shall be promulgated by the Executive Director upon direction of the Chairperson and shall be sent to each member by ~~e-mail~~facsimile transmission.

- e) ~~Public Notice. Public notice of all special meetings, rescheduled regular meetings or any reconvened meetings shall be given at least 48 hours in advance of each meeting by posting a copy of the notice at the Board's executive office, and by mailing to any person having made application.~~

(Source: Amended at 43 Ill. Reg. 14084, effective November 20, 2019)

**Section 10.130 Quorum**

Four members of the Board shall constitute a quorum, and affirmative votes of a majority of those present shall be required for any final determination of the Board. The Chairperson shall have and exercise the same right and power to vote as other members. Neither the absence of the Chairperson or Vice-Chairperson nor any vacancy in the membership shall impair the right of a quorum of the members to exercise all of the rights and powers of, and to perform all of the duties of, the Board.

(Source: Amended at 43 Ill. Reg. 14084, effective November 20, 2019)

**Section 10.150 ~~Agenda and Order of Proceedings~~**

~~a)At least seven days prior to each regular meeting, the Executive Director shall promulgate to the members an agenda for the forthcoming meeting, provided that delay in promulgation of the agenda for any meeting or any item thereof shall not affect the validity of any action taken at that meeting.b)Requests for inclusion of items on the agenda by any interested party shall be submitted to the Executive Director in writing at least 14 days prior to the date of each regular meeting.c)The Board shall maintain a record of public requests to include items on the agenda, noting whether or not the request was honored.d)The Executive Director shall decide which items are included in the agenda for each meeting. In creating the agenda, the Executive Director shall give priority to items that promote the Capital Development Board's operations and mission. The following criteria shall be followed to determine whether or not a public request for inclusion shall be honored:1)whether a public or private interest is furthered by the request;2)whether a past, present or future Board project is to be the subject matter of the request;3)whether litigation by or against the Board is involved;4)length of agenda at the time the request is made; and,5)any other criteria which may be appropriate under the circumstances.~~

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 43 Ill. Reg. 14084, effective November 20, 2019)

**Section 10.160 Rules for Meeting**

Meetings of the Board, and actions considered, shall be according to generally accepted principles of parliamentary order. ~~In the event of questions, Robert's Rules of Order (1893 ed.) shall govern.~~

(Source: Amended at 43 Ill. Reg. 14084, effective November 20, 2019)

**Section 10.170 Board Action**

- a) All final actions of the Board shall be evidenced by written resolution or memorandum ~~that, which~~ shall be incorporated into the minutes of the meeting at which ~~the~~~~such~~ action was taken. All resolutions and memorandums proposed but not adopted shall be incorporated into the minutes of the meeting at which ~~the~~~~such~~ resolution or memorandum was considered. For purposes of this Section, a memorandum shall be defined as a document or documents that clearly indicate what the Board is being asked to approve. For example, a list of change orders submitted for Board approval shall suffice.
- b) Use of resolution format shall be restricted to highly important complex policy issues, when greater formality and permanence in force are desired, ~~or for~~ courtesy purposes. Routine matters such as meeting schedules, ~~budgets~~, and requests for approval of contract provisions should be presented in memorandum form. Board approvals that are redundant of matters required by law shall not be in resolution format.
- c) Resolutions intended for short duration should contain an automatic repealer.
- d) Resolutions may be relegated to historic status as may be appropriate. Courtesy resolutions should be designated as such, and will immediately and automatically be classified as historic.

(Source: Amended at 43 Ill. Reg. 14084, effective November 20, 2019)

**Section 10.200 Litigation**

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

- a) The Executive Director and the Office of Legal Counsel~~Executive staff~~ shall not, without prior authorization of the Board:
- 1) commence litigation;
  - 2) engage counsel, other than the Illinois Attorney General's Office, for the purpose of appearing on behalf of the Capital Development Board to prosecute any lawsuit;
  - 3) incur any obligation for attorney's fees, witness fees or court costs in connection with any lawsuit in which the Board is the plaintiff;
  - 4) authorize settlement of a pending lawsuit; or
  - 5) file an appeal.
- b) Nothing in this Section~~herein~~ shall be construed to preclude the Executive Director from referring any lawsuits filed against the Board to the Office of the Attorney General for defense ~~thereof~~, nor to preclude the Executive Director from approving a Court of Claims stipulation in an action brought to recover the balance of a lapsed contractual obligation.
- c) If litigation or an appeal must commence before the next regularly scheduled Board meeting and adequate opportunity was not provided to the Executive Director or the Office of Legal Counsel to obtain Board authorization, the Executive Director or Office of Legal Counsel may file litigation or appeal provided that the Board is given the opportunity to ratify the filing or vote to have the matter withdrawn at the next Board meeting.

(Source: Amended at 43 Ill. Reg. 14084, effective November 20, 2019)

**Section 10.210 Public Comment**

During the time period designated for public remarks, any person physically present, once recognized by the Chairperson, may make public remarks to the Board. Each person shall have a 5 minute time limit for remarks, unless the Chairperson, or person acting in his or her stead, determines that additional time is necessary and permitted by the meeting schedule.

(Source: Added at 43 Ill. Reg. 14084, effective November 20, 2019)

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

**Section 10.220 Informal Recordings of Board Meetings**

Any person may record a Board meeting by tape, film or any other means, provided that the act of recording does not disrupt the meeting. In order to minimize disruption of the meeting, audiotapes, videotapes, and other recordings may be taken from any seat within the audience at the meeting or from the rear of the meeting room. Recordings may not be taken from the side or middle aisles or from the front of the meeting room, as such practices disrupt and disturb the audience, speakers and Board members. Further, the Chairperson, or anyone acting in his or her stead, may ask that a recording be stopped or that recording equipment be relocated in the event that noise from the recording equipment or act of recording interferes with a Board member's or the public's ability to hear any discussion at the meeting.

(Source: Added at 43 Ill. Reg. 14084, effective November 20, 2019)

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Trust Agreements – Using Educational Agencies
- 2) Code Citation: 71 Ill. Adm. Code 30
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
30.110	Amendment
30.120	Amendment
- 4) Statutory Authority: Implementing and authorized by the Capital Development Board Act [20 ILCS 3105].
- 5) Effective Date of Rules: November 20, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Capital Development Board's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 43 Ill. Reg. 9; January 4, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Some language was added to clarify certain provisions, however no substantive changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking updates the definitions of "using educational agencies" and "securities of the type utilized to collateralize deposits by the Treasurer of the State of Illinois" and removes the Executive Director's authority to waive application of the rules for Capital Development Board projects commenced prior to July 27, 1978.

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

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

Lauren Noll  
Capital Development Board  
401 South Spring Street  
3<sup>rd</sup> Floor Stratton Building  
Springfield IL 62706

217/782-0700  
fax: 217/524-0565

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

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY  
CHAPTER I: CAPITAL DEVELOPMENT BOARD  
SUBCHAPTER a: RULESPART 30  
TRUST AGREEMENTS – USING EDUCATIONAL AGENCIES

## Section

30.110 Trust Agreements – Using Educational Agencies

30.120 Funding of Trust Agreement – Schedule

AUTHORITY: Implementing and authorized by the Capital Development Board Act [20 ILCS 3105].

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1980, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20360, effective October 1, 1984; amended at 43 Ill. Reg. 14093, effective November 20, 2019.

**Section 30.110 Trust Agreements – Using Educational Agencies**

- a) The term "using educational agencies" means "community colleges" as defined in the Public Community College Act [110 ILCS 805]~~primary, high school and unit school districts~~ empowered to participate in the State assistance program for school construction project Grants, pursuant to Ill. Rev. Stat. 1983, ch. 127, par. 783.1 et seq.; a single school district or the administrative district formed by several school districts which provide a vocational education building program, pursuant to "The School Code" (Ill. Rev. Stat. 1983, ch. 122, par. 1-1 et seq); Public Community Colleges as defined in Section 1-2(c) of the "Public Community College Act" (Ill. Rev. Stat. 1983, ch. 122, par. 101-2.c) "public institutions of higher education" as defined in Section 1 of "An Act creating a Board of Higher Education, defining its power and duties, making an appropriation therefore, and repealing an Act herein named" (Ill. Rev. Stat. 1983, ch. 144, par. 181 et seq.); as all such Acts may be now or hereafter amended or modified.
- b) If the use of a trust is requested by the chief executive officer of any using educational agency and approved by the Executive Director, those monies required to be paid by law by any using educational agency to the Board for

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

~~that~~~~such~~ agency's contribution to a construction project may be deposited under a trust agreement with an Illinois bank of the agency's choice. The using educational agency shall receive any interest on the deposited contribution thereon.

- c) Pursuant to application by the using educational agency, a trust agreement by the bank and the using educational agency shall contain as a minimum the following provisions:
- 1) The amount to be deposited subject to the trust;
  - 2) ~~That A provision that~~ earnings on the trust corpus be paid by the trustee to the using educational agency not less frequently than quarterly;
  - 3) ~~That A provision that~~ the Executive Director or alternate for this purpose designated by the Board, acting in his or her~~their~~ official capacity~~capacities~~, is~~are~~ the only person~~persons~~ authorized to direct the trustee to make payment out of the trust;
  - 4) ~~That A provision that~~ the right of the Executive Director, or alternate for this purpose designated by the Board, to direct payment is restricted in that any ~~such~~ funds so directed shall be made payable only to: "The Order of State Treasurer of Illinois, Capital Development Board, Contributory Trust Fund";
  - 5) ~~That A provision that~~ the Bank shall pay ~~the~~~~such~~ funds within ~~two~~ (2) working days ~~after~~~~upon~~ receipt of the written directions of the Executive Director or alternate for this purpose designated by the Board, and that any agreement between the bank and the using educational agency shall in no way affect the duty of the bank to ~~so~~ pay upon demand;
  - 6) ~~That A provision that~~ the bank, as trustee, shall invest in securities of the type utilized to collateralize deposits by the Treasurer of the State of Illinois; ~~or invest in~~ time deposits, open accounts, certificates of deposit, or savings accounts; or enter into a repurchase agreement.~~;~~
    - A) ~~However~~~~however~~, all time deposits, open accounts, certificates of deposit, or savings accounts shall be covered by a pledge of securities of the type utilized to collateralize deposits by the

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

~~Treasurer of the State of Illinois (see subsection (e) of the type listed below)~~ to cover the difference between the Federal Deposit Insurance Corporation insurance and the total unsecured amount on deposit with the depositor bank of the trustee bank.

- B) A "safekeeping receipt" for ~~thosesuch~~ deposits shall be submitted to the using educational agency covering the securities pledged, and a certified statement to the effect that all monies invested have been adequately protected, shall be submitted to the Board by the bank.
- C) Should the repurchase agreement cover securities other than those ~~described listed~~ in ~~subsection (e) this section~~, ~~thosesuch~~ agreements shall also be subject to the pledge of securities provision ~~(see subsection (c)(6)(A) as described in this section)~~.
- d) The using educational agency shall be responsible for obtaining the written consent of the bank trustee. Any costs or service fees shall be borne by ~~thesuch~~ using educational agency.
- e) For the purpose of this ~~Partrule~~, the term "securities of the type utilized to collateralize deposits by the Treasurer of the State of Illinois" means the classes of acceptable securities for public funds to be used by the State Treasurer (see Section 11(a) of the Deposit of State Moneys Act [15 ILCS 520]); ~~direct obligations of the United States Government; general obligations of the State of Illinois; notes, bonds, debentures or participation certificates of the Federal National Mortgage Association, Federal Intermediate Credit Bank, Federal Home Loan Bank, Federal Land Bank, Illinois Building Authority, Illinois Toll Highway Commission or Illinois State Toll Highway Authority; Public Housing Authority Notes; obligations of the Export-Import Bank of Washington, DC; general obligation municipal bonds (including school districts) within the State of Illinois rated "A" or better by Moodys; and Farmers Home Administration Insured Notes provided such notes are quoted and are non-amortized.~~

(Source: Amended at 43 Ill. Reg. 14093, effective November 20, 2019)

**Section 30.120 Funding of Trust Agreement – Schedule**

- a) In the event a Board project is to be funded in part or in whole from local

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENTS

resources by use of a trust established under this Part, ~~that such~~ trust shall be established prior to the signing of an architect or engineer contract.

- b) The trust to be established shall be funded in an amount equal to 40% of each of the fees under the architect or engineer contracts to be signed plus reimbursables under each contract to cover contractual obligations through the design development phase of the project or any part ~~of the project thereof~~.
- c) Approval to proceed beyond the design development stage or to advertise the first bid package of a phased bid project, whichever comes first, shall be preceded by a deposit in the trust of the balance of the local share of the total project cost.
- d) ~~The Executive Director shall have the authority in cases of fiscal hardship to waive application of this rule as to projects which have been commenced prior to July 27, 1978.~~

(Source: Amended at 43 Ill. Reg. 14093, effective November 20, 2019)

## ILLINOIS GAMING BOARD

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3) Section Number: 1800.320                      Adopted Action:  
Amendment
- 4) Statutory Authority: The regular rulemaking authority of the Illinois Gaming Board (IGB) is provided by Section 78 (a) (3) of the Video Gaming Act (VGA or Act) [230 ILCS 40/78 (a) (3)]. Section 80 of the Video Gaming Act provides that the provisions of the Illinois Gambling Act (IGA) [230 ILCS 10] shall apply to the Video Gaming Act, except where there is a conflict between the two Acts. Section 5 (c ) (3) of the IGA gives the IGB authority to "promulgate such rules and regulations as in its judgment may be necessary to protect or enhance the credibility and integrity of gambling operations authorized by this Act and the regulatory process hereunder". Section 25 (e) of the Video Gaming Act provides in relevant part that:

No video gaming terminal may be placed in any licensed establishment, licensed veterans establishment, licensed truck stop establishment, licensed large truck stop establishment, or licensed fraternal establishment unless the owner or agent of the owner of the licensed establishment, licensed veterans establishment, licensed truck stop establishment, licensed large truck stop establishment, or licensed fraternal establishment has entered into a written use agreement with the terminal operator for placement of the terminals.

Under this provision, the existence of a valid use agreement is a prerequisite for legal video gaming. Because of use agreements' central importance to video gaming as it has been implemented in Illinois, it is evident that public confidence on the validity of these agreements is "necessary to protect the credibility and integrity of gambling operations authorized by this Act and the regulatory process thereunder." The purpose of the present rulemaking is to improve the dispute resolution process when there is a contested use agreement by giving all interested parties, as defined in the rule, an opportunity to participate in this process. Such rulemaking to ensure the validity of use agreements falls squarely within the IGB's rulemaking powers under Section 5 (c) (3) of the IGA as incorporated into the VGA by Section 80 of the latter act.
- 5) Effective Date of Rule: November 21, 2019
- 6) Does this rulemaking contain an automatic repeal date? No

## ILLINOIS GAMING BOARD

## NOTICE OF ADOPTED AMENDMENT

- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 22336; December 14, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

In Section 1800.320 (b) (1), "interested party" is defined as "a party asserting legal rights whose enforcement requires or may be materially and substantially affected by Board action."

In Section 1800.320 (b) (2) (B), new language provides that "[w]here the petitioner is petitioning as an interested party, the petition must include detailed facts and reasons upon which the petitioner relies in arguing that it has legal rights whose enforcement requires or may be materially and substantially affected by Board action."

In Section 1800.320 (b) (3) (8) (C), the first sentence is amended to provide that a petition for intervention must meet the same standards as both an initial petition under Section 1800.320 (b) (2) and a response under Section 1800.320 (b) (3). As originally drafted, this sentence referred only to initial petitions under 1800. 320 (b) (2).

New paragraph (11 is added to Section 1800.320 (b) (3) to prohibit ex parte communications. The new paragraph provides that:

"No party or its representative shall make any communication directly or indirectly with the Administrator, employees, or members of the Illinois Gaming Board regarding a pending petition that imparts material information or makes a material argument, except upon notice to and opportunity for all parties to participate."

Former paragraph (11 of Section 1800.320 (b) (3) is renumbered as paragraph (12).

## ILLINOIS GAMING BOARD

## NOTICE OF ADOPTED AMENDMENT

There are various non-substantive technical and stylistic changes made by agreement of the IGB and JCAR on Second Notice.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1800.110	Amendment	43 Ill. Reg. 9209, August 30, 2019
1800.250	Amendment	43 Ill. Reg. 9209, August 30, 2019
1800.260	Amendment	43 Ill. Reg. 9209, August 30, 2019
1800.420	Amendment	43 Ill. Reg. 9209, August 30, 2019
1800.430	Amendment	43 Ill. Reg. 9209, August 30, 2019
1800.540	Amendment	43 Ill. Reg. 9209, August 30, 2019
1800.580	Amendment	43 Ill. Reg. 9209, August 30, 2019
1800.1810	New Section	43 Ill. Reg. 9209, August 30, 2019
1800.1910	New Section	43 Ill. Reg. 9312, September 6, 2019
1800.1920	New Section	43 Ill. Reg. 9312, September 6, 2019
1800.1930	New Section	43 Ill. Reg. 9312, September 6, 2019
1800.1940	New Section	43 Ill. Reg. 9312, September 6, 2019
1800.2010	New Section	43 Ill. Reg. 12767, November 1, 2019
1800.2020	New Section	43 Ill. Reg. 12767, November 1, 2019
1800.2030	New Section	43 Ill. Reg. 12767, November 1, 2019
1800.2040	New Section	43 Ill. Reg. 12767, November 1, 2019
1800.2050	New Section	43 Ill. Reg. 12767, November 1, 2019
1800.2060	New Section	43 Ill. Reg. 12767, November 1, 2019
1800.2110	New Section	43 Ill. Reg. 13483, December 2, 2019
1800.2120	New Section	43 Ill. Reg. 13483, December 2, 2019
1800.2130	New Section	43 Ill. Reg. 13483, December 2, 2019
1800.2140	New Section	43 Ill. Reg. 13483, December 2, 2019
1800.2150	New Section	43 Ill. Reg. 13483, December 2, 2019
1800.2160	New Section	43 Ill. Reg. 13483, December 2, 2019
1800.2170	New Section	43 Ill. Reg. 13483, December 2, 2019
1800.EXHIBIT A	New Section	43 Ill. Reg. 13483, December 2, 2019
1800.EXHIBIT B	New Section	43 Ill. Reg. 13483, December 2, 2019

## ILLINOIS GAMING BOARD

## NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Rulemaking: The Board is currently subject to litigation in two different cases in which the plaintiffs allege that Section 1800.320 (b), which governs the petition process for handling contested use agreements between terminal operators and licensed video gaming locations, unconstitutionally deprives them of due process as currently written. The various claims are based on assertions that Section 1800.320 (b) (1) imposes impermissible limitations in that it:

Impermissibly limits the nature of the parties who may file petitions;

Impermissibly limits the nature of the agreements the Board will accept petitions regarding, and

Impermissibly prevents an interested party from intervening in a petition where they have an interest.

Making relatively minor procedural changes to Section 1800.320 (b) will afford better due process protections to individuals who may end up bound by Board decisions, as well as forestall significant litigation. The proposed changes contained in the present rulemaking include:

Expanding the definition of who may file a petition;

Expanding the definition of what sort of agreement may be examined to match that of the Illinois Supreme Court holding in *J&J Ventures, LLC v. Wild, Inc.*, 2016 IL 119870 (2016) and

Creating a mechanism through which interested parties may intervene.

- 16) Information and questions regarding this adopted rule may be addressed to:

Agostino Lorenzini  
General Counsel  
Illinois Gaming Board  
160 North LaSalle Street  
Chicago IL 60601

fax: 312/814-7253

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

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

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

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

PART 1800  
VIDEO GAMING (GENERAL)

SUBPART A: GENERAL PROVISIONS

Section	
1800.110	Definitions
1800.115	Gender
1800.120	Inspection
1800.130	Board Meetings

SUBPART B: DUTIES OF LICENSEES

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

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section	
1800.310	Grounds for Disciplinary Actions
1800.320	Minimum Standards for Use Agreements
1800.330	Economic Disassociation

SUBPART D: LICENSING QUALIFICATIONS

Section	
1800.410	Coverage of Subpart
1800.420	Qualifications for Licensure
1800.430	Persons with Significant Influence or Control

## ILLINOIS GAMING BOARD

## NOTICE OF ADOPTED AMENDMENT

1800.440 Undue Economic Concentration

## SUBPART E: LICENSING PROCEDURES

## Section

1800.510 Coverage of Subpart  
1800.520 Applications  
1800.530 Submission of Application  
1800.540 Application Fees  
1800.550 Consideration of Applications by the Board  
1800.555 Withdrawal of Applications and Surrender of Licenses  
1800.560 Issuance of License  
1800.570 Renewal of License  
1800.580 Renewal Fees and Dates  
1800.590 Death and Change of Ownership of Video Gaming Licensee

## SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

## Section

1800.610 Coverage of Subpart  
1800.615 Requests for Hearing  
1800.620 Appearances  
1800.625 Appointment of Administrative Law Judge  
1800.630 Discovery  
1800.635 Subpoenas  
1800.640 Motions for Summary Judgment  
1800.650 Proceedings  
1800.660 Evidence  
1800.670 Prohibition on Ex Parte Communication  
1800.680 Sanctions and Penalties  
1800.690 Transmittal of Record and Recommendation to the Board  
1800.695 Status of Applicant for Licensure Upon Filing Request for Hearing

## SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

## Section

1800.710 Coverage of Subpart  
1800.715 Notice of Proposed Disciplinary Action Against Licensees  
1800.720 Hearings in Disciplinary Actions

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1800.725	Appearances
1800.730	Appointment of Administrative Law Judge
1800.735	Discovery
1800.740	Subpoenas
1800.745	Motions for Summary Judgment
1800.750	Proceedings
1800.760	Evidence
1800.770	Prohibition on Ex Parte Communication
1800.780	Sanctions and Penalties
1800.790	Transmittal of Record and Recommendation to the Board
1800.795	Persons Subject to Proposed Orders of Economic Disassociation

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

## Section

1800.810	Location and Placement of Video Gaming Terminals
1800.815	Licensed Video Gaming Locations Within Malls
1800.820	Measurement of Distances from Locations
1800.830	Waivers of Location Restrictions

## SUBPART I: SECURITY INTERESTS

## Section

1800.910	Approvals Required, Applicability, Scope of Approval
1800.920	Notice of Enforcement of a Security Interest
1800.930	Prior Registration

SUBPART J: TRANSPORTATION, REGISTRATION,  
AND DISTRIBUTION OF VIDEO GAMING TERMINALS

## Section

1800.1010	Restriction on Sale, Distribution, Transfer, Supply and Operation of Video Gaming Terminals
1800.1020	Transportation of Video Gaming Terminals into the State
1800.1030	Receipt of Video Gaming Terminals in the State
1800.1040	Transportation of Video Gaming Terminals Between Locations in the State
1800.1050	Approval to Transport Video Gaming Terminals Outside of the State
1800.1060	Placement of Video Gaming Terminals

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- 1800.1065 Registration of Video Gaming Terminals
- 1800.1070 Disposal of Video Gaming Terminals

SUBPART K: STATE-LOCAL RELATIONS

- Section
- 1800.1110 State-Local Relations

SUBPART L: FINGERPRINTING OF APPLICANTS

- Section
- 1800.1210 Definitions
- 1800.1220 Entities Authorized to Perform Fingerprinting
- 1800.1230 Qualification as a Livescan Vendor
- 1800.1240 Fingerprinting Requirements
- 1800.1250 Fees for Fingerprinting
- 1800.1260 Grounds for Revocation, Suspension and Denial of Contract

SUBPART M: PUBLIC ACCESS TO INFORMATION

- Section
- 1800.1310 Public Requests for Information

SUBPART N: PAYOUT DEVICES AND REQUIREMENTS

- Section
- 1800.1410 Ticket Payout Devices
- 1800.1420 Redemption of Tickets Following Removal or Unavailability of Ticket Payout Devices

SUBPART O: NON-PAYMENT OF TAXES

- Section
- 1800.1510 Non-Payment of Taxes

SUBPART P: CENTRAL COMMUNICATIONS SYSTEM

- Section
- 1800.1610 Use of Gaming Device or Individual Game Performance Data

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## SUBPART Q: RESPONSIBLE GAMING

## Section

1800.1710	Conversations About Responsible Gaming
1800.1720	Responsible Gaming Education Programs
1800.1730	Problem Gambling Registry
1800.1740	Utilization of Technology to Prevent Problem Gambling

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

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36 Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency expired December 2, 2012; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012; expedited correction at 39 Ill. Reg. 8183, effective November 21, 2012; amended at 36 Ill. Reg. 18550, effective December 14, 2012; amended at 37 Ill. Reg. 810, effective January 11, 2013; amended at 37 Ill. Reg. 4892, effective April 1, 2013; amended at 37 Ill. Reg. 7750, effective May 23, 2013; amended at 37 Ill. Reg. 18843, effective November 8, 2013; emergency amendment at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 38 Ill. Reg. 3384, effective January 14, 2014; suspension withdrawn at 38 Ill. Reg. 5897; emergency repeal of emergency amendment at 38 Ill. Reg. 7337, effective March 12, 2014, for the remainder of the 150 days; amended at 38 Ill. Reg. 849, effective December 27, 2013; amended at 38 Ill. Reg. 14275, effective June 30, 2014; amended at 38 Ill. Reg. 19919, effective October 2, 2014; amended at 39 Ill. Reg. 5401, effective March 27, 2015; amended at 39 Ill. Reg. 5593, effective April 1, 2015; amended at 40 Ill. Reg. 2952, effective January 27, 2016; amended at 40 Ill. Reg. 8760, effective June 14, 2016; amended at 40 Ill. Reg. 12762, effective August 19, 2016; amended at 40 Ill. Reg. 15131, effective October 18, 2016; emergency amendment at 41 Ill. Reg. 2696, effective February 7, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 2939, effective February 24, 2017; amended at 41 Ill. Reg.

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4499, effective April 14, 2017; amended at 41 Ill. Reg. 10300, effective July 13, 2017; amended at 42 Ill. Reg. 3126, effective February 2, 2018; amended at 42 Ill. Reg. 3735, effective February 6, 2018; emergency amendment at 43 Ill. Reg. 9261, effective August 13, 2019, for a maximum of 150 days; emergency amendment, except for the definition of "in-location bonus jackpot game" or "in-location progressive game" and the definition of "progressive jackpot" in Section 1800.110 and except for Section 1800.250(x), suspended at 43 Ill. Reg. 11061, effective September 18, 2019; emergency amendment at 43 Ill. Reg. 9788, effective August 19, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 11688, effective September 26, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 13464, effective November 8, 2019, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 43 Ill. Reg. 13479, effective November 12, 2019; amended at 43 Ill. Reg. 14099, effective November 21, 2019.

## SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

**Section 1800.320 Minimum Standards for Use Agreements**

- a) In addition to the requirements set forth in the Act, a Use Agreement must satisfy the following:
  - 1) Only be between:
    - A) a licensed terminal operator that, beginning July 15, 2014, is licensed by the Board at the time the Use Agreement is signed; and
    - B) a licensed establishment, licensed truck stop establishment, licensed veterans establishment or licensed fraternal establishment;
  - 2) Contain an affirmative statement that no inducement was offered or accepted regarding the placement or operation of video gaming terminals in a licensed establishment, licensed truck stop establishment, licensed veterans establishment or licensed fraternal establishment;
  - 3) Contain an indemnity and hold harmless provision on behalf of the State, the Board and its agents relative to any cause of action arising from a use agreement;
  - 4) Prohibit any assignment other than from a licensed terminal operator to another licensed terminal operator;

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- 5) Contain a provision that releases the video gaming location from any continuing contractual obligation to the terminal operator in the event that the terminal operator has its license revoked or denied, has its renewal denied, or surrenders its license;
  - 6) State which sales agent, broker or other person, if any, procured the Use Agreement on behalf of the terminal operator;
  - 7) Not provide for automatic renewal in the absence of cancellation;
  - 8) Not be for a length of time exceeding eight years.
- b) Petitions
- 1) The Board shall decide a petition brought by a terminal operator, ~~or~~ licensed video gaming location or other interested party to determine the validity or enforceability of an agreement, or portion of an agreement, that purports to control the location and operation of video gaming terminals alleging that a Use Agreement, or portion of a Use Agreement, is invalid or unenforceable. For purposes of this Section an "interested party" is a party asserting legal rights whose enforcement requires, or may be materially and substantially affected by, Board action. Issues the Board has authority to decide under this subsection (b) include, but are not limited to, the following:
    - A) Whether the agreement is one that controls the placement or operation of video gaming terminals.
    - B) When two or more ~~agreements~~Use Agreements between a licensed video gaming location and one or more terminal operators have overlapping effective dates, which of the ~~agreements~~Use Agreements is valid during the period of overlap.
    - ~~CB)~~ Whether an agreement~~a Use Agreement~~, or portion of an agreement~~a Use Agreement~~, complies with the requirements of the Act and this Part.

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- DE) Whether a renewal provision in an agreement~~a Use Agreement~~ poses such obstacles against non-renewal, or confusion about the procedures for non-renewal, as to constitute an undue burden on the licensed video gaming location that has entered into the provision.
- ED) Whether a terminal operator or anyone on its behalf has used coercion, deception, or an inducement or incentive in violation of Section 25(c) of the Act or this Part to persuade a licensed video gaming location to enter into or renew an agreement~~a Use Agreement~~.
- F) Whether one or more terms of an agreement constitute practices detrimental to the public interest or against the best interests of video gaming.
- 2) Petitions under this subsection (b) shall be in writing and shall include an original and one copy. Any petitioner under this Section shall bear the burden of proof by clear and convincing evidence. A petition shall contain the following:
- A) The name, current address and current telephone number of the petitioner.
- B) Detailed facts and reasons upon which the petitioner relies in arguing that an agreement~~a Use Agreement~~, or portion of an agreement~~a Use Agreement~~, is invalid or unenforceable. Petitions may include documentary evidence and affidavits. When the petitioner is petitioning as an interested party, the petition must include detailed facts and reasons upon which the petitioner relies in arguing that it has legal rights whose enforcement requires, or may be materially and substantially affected by, Board action.
- C) A signature of the petitioner.
- D) A verification of the petition in the following form:
- "The undersigned certifies that the statements set forth in this petition are true and correct, except as to matters therein stated to

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be on information and belief, and as to such matters the undersigned certifies that he or she verily believes the same to be true."

E) A notarization.

3) Following receipt of a petition meeting the requirements of subsection (b)(2), the Administrator shall promptly send by certified mail to each non-petitioning terminal operator or licensed video gaming location or other interested party named in the petition a complete copy of the petition, including all submitted documents. Non-petitioning parties named in the petition must file a response within 21 days after their receipt of the petition. All responses shall be in writing and shall include an original and one copy. A response shall be deemed filed on the date on which it is postmarked. The response shall contain the following:

A) The name, current address and current telephone number of the licensee.

B) A clear and concise statement admitting or denying each of the allegations set forth in the petition.

C) For all allegations that the licensee denies, detailed facts and reasons upon which the non-petitioning party relies in arguing that the agreement~~Use Agreement~~, or portion of the agreement~~Use Agreement~~, is valid or enforceable. Responses may include documentary evidence and affidavits.

D) A signature of the licensee.

E) A verification of the licensee in the following form:

"The undersigned certifies that the statements set forth in this response are true and correct, except as to matters therein stated to be on information and belief, and as to such matters the undersigned certifies that he or she verily believes the same to be true."

F) A notarization.

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- 4) The Administrator shall promptly provide a petitioning party with complete copies of all submitted responses meeting the requirements of subsection (c)(2).
- 5) Before rendering a recommended decision, the Administrator may require the parties to attend a conference to attempt to settle any dispute under this subsection (b)(5).
- 6) Administrator's Recommended Decision
  - A) Following the expiration of the 21-day response period, the Administrator shall issue a written recommended decision on the validity or enforceability of the contested [agreementUse Agreement](#), or contested portions of the [agreementUse Agreement](#), based on the contents of the petition and any responses.
  - B) The Administrator's recommended decision shall set forth the reasons the Administrator is recommending the granting or denial of the petition. When the petition asserts more than one claim as to the validity or enforceability of the [agreementUse Agreement](#), or a portion of the [agreementUse Agreement](#), the Administrator shall separately decide each claim.
  - C) Copies of the Administrator's recommended decision shall be served on each party by personal delivery, certified mail or overnight express mail to the party's last known address.
- 7) A petitioning party or party named in a petition brought under this subsection (b) may file exceptions to the recommended decision of the Administrator. The exception shall be filed with the Board no later than 14 days after receipt of the recommended decision. Exceptions shall specify each finding of fact and conclusion of law to which exception is taken. There shall be no oral argument on exceptions.
- 8) [Intervention](#)
  - A) [Upon timely written application prior to the Administrator issuing a recommendation, the Administrator may, in his or her discretion,](#)

## ILLINOIS GAMING BOARD

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permit any interested party to intervene in the petition process, if that party may be materially and adversely affected by a final order arising from the petition.

B) In exercising his or her discretion, the Administrator shall consider whether intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

C) A petition for intervention must meet the same standards as an initial petition or response under subsection (b)(2) or (b)(3). It must also include sufficient facts for the Administrator to find that the intervening party may be materially and adversely affected by a final order arising from the petition.

D) Upon making a determination that a party may be permitted to intervene, the Administrator shall provide to the intervenor a copy of the original petition, as well as any responses. The Administrator shall also notify all other parties that the petition to intervene has been granted, and provide those parties with a copy of the petition to intervene.

98) Prior to the Board rendering a decision, the Administrator may require the parties to attend a conference to attempt to settle any dispute under this subsection (b).

109) Any relief given by the Board under this subsection (b) shall be limited to deciding which ~~agreement~~Use Agreement, or portion of the ~~agreement~~Use Agreement, is valid for the placement and operation of video gaming terminals in a licensed video gaming location. The Board has the express authority to order a licensed terminal operator to remove its Video Gaming Terminals from a licensed establishment if ~~an agreement~~Use Agreement, or portion of the ~~agreement~~Use Agreement, is invalidated. The Board shall not award monetary damages of any kind. Any failure by a party to abide by the Board's decision shall subject the licensee to discipline.

11) Ex Parte Communication Prohibited. No party or its representative shall make any communication directly or indirectly with the Administrator, employees, or members of the Illinois Gaming Board regarding a pending

## ILLINOIS GAMING BOARD

## NOTICE OF ADOPTED AMENDMENT

petition that imparts material information or makes a material argument, except upon notice to and opportunity for all parties to participate.

1240) Final Board Order

- A) The Board shall review the entire record, including the petitions filed, the Administrator's recommended decision, and any exceptions filed, and shall render a written order including the bases for its decision.
  - B) Copies of the final Board order shall be served on each licensee by personal delivery, certified mail or overnight express mail to the licensee's last known address.
  - C) A final Board order shall become effective upon personal delivery to a party or upon posting by certified or overnight express mail to the party's last known address.
- c) The Board shall promulgate a standard form for Use Agreements and establish an effective date for its implementation. All new and renewed Use Agreements entered into on or after that effective date shall incorporate the language of the standard form and shall be consistent with the standard form in all respects.
- d) Unless otherwise indicated, whenever the term "agreement" is used in this Section, it refers to an agreement that purports to control the operation and placement of video gaming terminals.

(Source: Amended at 43 Ill. Reg. 14099, effective November 21, 2019)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Developmental Disabilities Services
- 2) Code Citation: 89 Ill. Adm. Code 144
- 3) Section Number: 144.30                      Adopted Action:  
New Section
- 4) Statutory Authority: Implementing Section 18.2 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/18.2] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].
- 5) Effective Date of Rule: November 20, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 7596; July 12, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: A new paragraph was added to account for past wage increases already given to front-line direct care personnel and new language was added to address the need for federal approval to implement the 3.5% increase. Minor technical changes were also made to 144.30.
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any other rulemakings pending on this Part? No

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Rulemaking: This rulemaking is being done to bring the rule in compliance with PA 101-10. Pursuant to PA 101-10, DHS will include in its rates an increase sufficient to provide a 3.50 percent increase for community providers. Providers will determine whether to allocate some or all of the 3.5 percent increase to the wages of direct care personnel. The rulemaking also includes language to account for past wage increases already given to front-line direct care personnel.
- 16) Information and questions regarding this adopted rule shall be directed to:

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

217/785-9772

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES  
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
 SUBCHAPTER d: MEDICAL PROGRAMS

PART 144  
 DEVELOPMENTAL DISABILITIES SERVICES

## Section

144.1	Incorporation By Reference
144.5	Determination of Program (Active Treatment) Costs
144.25	ICF/MR Service Criteria
<a href="#">144.30</a>	<a href="#">Developmental Disability Provider Rate Adjustments</a>
144.50	Inspection of Care and Rate Setting Appeal Process
144.75	Comprehensive Functional Assessments and Reassessments (Repealed)
144.100	Exceptional Care Needs of Clients with Developmental Disabilities
144.102	High Medical/High Personal Care Needs of Individuals with Developmental Disabilities
144.105	Individual Program Plan (IPP) (Repealed)
144.125	Specialized Care – Behavior Development Programs
144.150	Specialized Care – Health and Sensory Disabilities
144.160	Base Nursing in Facilities Licensed as ICF/DD-16s including Small Scale (4 and 6 bed) ICF/DD-16s
144.165	Medication Administration in Facilities Licensed as ICF/DD-16s including Small Scale Residential Facilities (4 and 6 beds) ICF/DD-16s
144.175	Functional Needs
144.200	Service Needs – Medical Care (Repealed)
144.205	Service Needs – Medical and Therapy Services (Repealed)
144.225	Individual Rights (Repealed)
144.230	Reconciliation of Resident Funds
144.250	Discharge Planning/Maximum Growth Potential Plan (Repealed)
144.275	Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities
144.300	Reimbursement for Program (Active Treatment) Costs in Small Scale Residential Facilities (4 and 6 bed) ICF/DD-16s
144.325	Capital Rate Calculation
144.TABLE A	Overview of Staff Intensity Scale of Maladaptive Behaviors
144.TABLE B	Staff Intensity Scale

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

144.TABLE C	IPP Outcomes (Repealed)
144.TABLE D	Guidelines for Determining Levels of Functioning
144.TABLE E	Standardized Adaptive Functional Assessment

**AUTHORITY:** Implementing Section 18.2 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/18.2] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

**SOURCE:** Adopted at 14 Ill. Reg. 4166, effective March 9, 1990; Section 144.275 recodified from 89 Ill. Adm. Code 146.225 at 14 Ill. Reg. 7651; amended at 14 Ill. Reg. 17988, effective October 29, 1990; amended at 15 Ill. Reg. 14084, effective September 24, 1991; emergency amendment at 15 Ill. Reg. 16148, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3497, effective February 28, 1992; amended at 16 Ill. Reg. 5898, effective March 20, 1992; amended at 17 Ill. Reg. 8478, effective June 1, 1993; amended at 17 Ill. Reg. 11480, effective July 16, 1993; emergency amendment at 17 Ill. Reg. 15126, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; emergency amendment repealed at 17 Ill. Reg. 22582, effective December 20, 1993; emergency amendment at 18 Ill. Reg. 11314, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16619, effective October 27, 1994; amended at 19 Ill. Reg. 2890, effective February 22, 1995; amended at 19 Ill. Reg. 7906, effective June 5, 1995; amended at 20 Ill. Reg. 6916, effective May 6, 1996; emergency amendment at 20 Ill. Reg. 7426, effective May 24, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9072, effective June 28, 1996; amended at 20 Ill. Reg. 11326, effective August 1, 1996; amended at 20 Ill. Reg. 12465, effective August 30, 1996; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 9287, effective May 15, 1998; amended at 23 Ill. Reg. 932, effective January 6, 1999; emergency amendment at 24 Ill. Reg. 6431, effective March 31, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13404, effective August 18, 2000; emergency amendment at 34 Ill. Reg. 16983, effective November 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 4005, effective February 23, 2011; emergency amendment at 40 Ill. Reg. 7855, effective May 13, 2016, for a maximum of 150 days; amended at 40 Ill. Reg. 13016, effective August 26, 2016; emergency amendment at 40 Ill. Reg. 14366, effective October 7, 2016, for a maximum of 150 days; emergency amendment to emergency rule at 40 Ill. Reg. 15181, effective October 19, 2016, for the remainder of the 150 days; amended at 41 Ill. Reg. 2950, effective February 24, 2017; emergency amendment at 43 Ill. Reg. 7649, effective July 1, 2019, for a maximum of 150 days; amended at 43 Ill. Reg. 14116, effective November 20, 2019.

**[Section 144.30 Developmental Disability Provider Rate Adjustments](#)**

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

- a) Adjustments in FY 18 and FY 19  
Pursuant to PA 100-23 and PA 100-587, providers of services to individuals with developmental disabilities shall ensure that all wages earned by front-line direct care personnel are at least \$1.25 per hour higher than those wages that existed on July 31, 2017.
- b) Adjustments in FY 20  
Pursuant to PA 101-10, rates established for providers of services to individuals with developmental disabilities effective July 1, 2019 shall be increased 3.5 percent above rates in effect on June 30, 2019, subject to federal approval. Providers shall determine whether to allocate the entirety or a portion of the 3.5 percent to the wages of direct care staff.

(Source: Added at 43 Ill. Reg. 14116, effective November 20, 2019)

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Annual Financial Reporting
- 2) Code Citation: 50 Ill. Adm. Code 925
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
925.30	Amendment
925.140	Amendment
925.141	New Section
925.170	Amendment
- 4) Statutory Authority: Implementing Sections 132.1 through 132.7, 136, 401 and 402 of the Illinois Insurance Code [215 ILCS 5/132.1 through 132.7, 136, 401 and 402], and Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125/5-3], Section 25 of the Dental Service Plan Act [215 ILCS 110/25] and Section 4003 of the Limited Health Service Organization Act [215 ILCS 130/4003], and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].
- 5) Effective Date of Rules: January 1, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 43 Ill. Reg. 8615; August 16, 2019
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version:

In the title for Part 925.170 in the table of contents, strike "Transitions" and add "Effective Dates".

In the first line of the second definition in 925.30, change all text in quotes to ""Affiliate" or "affiliated person" of a specific person or entity""; change "is" to "means".

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

In the third line of 925.140(b), change "his or her" to "the".

In the sixth line of 925.140(f), strike "Director by the" and add "domiciliary commissioner of the affected".

In the fifth line of 925.140(g), change "June 1" to "December 15".

In the title of 925.170, strike "Transitions" and add "Effective Dates".

The fifth line of 925.170(a), strike "from" and add "after".

In the second line of 925.170(c), strike "may" and add "shall".

Several nonsubstantive punctuation changes were also made at JCAR's request.

- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The changes to the rule require insurers to establish an internal audit function to enhance corporate governance. Small companies are exempt from the requirement if they do not meet a premium threshold. The amendments are based on NAIC Model Regulation #205, which will be an accreditation standard effective 1/1/2020.
- 16) Information and questions regarding these adopted rules shall be directed to:  
Susan Berry  
Group Solvency Specialist  
Department of Insurance  
320 West Washington Street  
Springfield IL 62767-0001  
217/782-1759

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

## SUBCHAPTER I: PROVISIONS APPLICABLE TO ALL COMPANIES

## PART 925

## ANNUAL FINANCIAL REPORTING

## Section

925.10	Authority (Repealed)
925.20	Purpose and Scope
925.30	Definitions
925.40	General Requirements Related to Filing and Extensions for Filing of Annual Audited Financial Report and Audit Committee Appointment
925.50	Contents of Annual Audited Financial Report
925.60	Designation of Independent Certified Public Accountant
925.70	Qualifications of Independent Certified Public Accountant
925.80	Consolidated or Combined Audits
925.90	Scope of Audit and Report of Independent Certified Public Accountant
925.100	Notification of Adverse Financial Condition
925.110	Communication of Internal Control Related Matters Noted in an Audit
925.115	Accountant's Letter of Qualifications (Renumbered)
925.120	Accountant's Letter of Qualifications
925.130	Definition, Availability and Maintenance of Independent Certified Public Accountant Workpapers
925.140	Requirements for Audit Committees
<a href="#">925.141</a>	<a href="#">Internal Audit Function Requirements</a>
925.145	Penalties (Renumbered)
925.150	Conduct of Insurer in Connection with the Preparation of Required Reports and Documents
925.160	Management's Report of Internal Control over Financial Reporting
925.170	Exemptions and <a href="#">Effective Dates</a> <del>Transitions</del>
925.180	Canadian and British Companies
925.190	Penalties
925.200	Severability Provision

## 925.EXHIBIT A CPA Letter of Representation

AUTHORITY: Implementing Sections 132.1 through 132.7, 136, 401 and 402 of the Illinois Insurance Code [215 ILCS 5], and Section 5-3 of the Health Maintenance Organization Act [215

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ILCS 125], Section 25 of the Dental Service Plan Act [215 ILCS 110] and Section 4003 of the Limited Health Service Organization Act [215 ILCS 130], and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5].

SOURCE: Filed July 9, 1975, effective July 21, 1975; codified at 7 Ill. Reg. 2359; amended at 11 Ill. Reg. 18204, effective October 26, 1987; amended at 19 Ill. Reg. 12229, effective August 14, 1995; amended at 21 Ill. Reg. 1666, effective January 28, 1997; amended at 27 Ill. Reg. 16121, effective October 6, 2003; amended at 33 Ill. Reg. 6974, effective May 11, 2009; recodified from the Department of Financial and Professional Regulation to the Department of Insurance pursuant to Executive Order 2009-04 at 38 Ill. Reg. 24064; amended at 39 Ill. Reg. 6485, effective April 24, 2015; amended at 43 Ill. Reg. 14121, effective January 1, 2020.

**Section 925.30 Definitions**

"Accountant" or "independent certified public accountant" means an independent certified public accountant or independent accounting firm in good standing with the American Institute of Certified Public Accountants (AICPA) and all states in which the accountant is licensed to practice. For Canadian and British companies, accountant means a Canadian-chartered or British-chartered accountant.

"Affiliate" ~~of~~, or "affiliated person"~~affiliated with, of~~ a specific person or entity" ~~means~~ a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

"Audit Committee" means a committee (or equivalent body) established by the board of directors of an entity for the purpose of overseeing the accounting and financial reporting processes of an insurer or group of insurers, the internal audit function of an insurer or group of insurers (if applicable), and external audits of financial statements of the insurer or group of insurers. The audit committee of any entity that controls a group of insurers may be deemed to be the audit committee for one or more of these controlled insurers solely for the purposes of this Part at the election of the controlling person. Refer to Section 925.140~~(fe) of this Part~~ for exercising this election. If an audit committee is not designated by the insurer, the insurer's entire board of directors shall constitute the audit committee.

"Audited Financial Report" means and includes those items specified in Section 925.50 of this Part.

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"Code" means the Illinois Insurance Code [215 ILCS 5].

"Dental Service Plan Act" means 215 ILCS 110.

"Department" means the Illinois Department of Insurance.

"Director" means the Director of the Illinois Department of Insurance.

"Group of Insurers" means those licensed insurers included in the reporting requirements of Article VIII½ of the Code, or a set of insurers as identified by management, for the purpose of assessing the effectiveness of internal control over financial reporting.

"Health Maintenance Organization Act" means 215 ILCS 125.

"Indemnification" means an agreement of indemnity or a release from liability where the intent or effect is to shift or limit in any manner the potential liability of the person or firm for failure to adhere to applicable auditing or professional standards, whether or not resulting in part from known or other misrepresentations made by the insurer or its representatives.

"Independent Board Member" has the same meaning as described in Section 925.140(c).

"Insurer", for purposes of this Part, means a licensed insurer or accredited reinsurer as defined in Sections 2(f), (g) and (h) and 173.1 of the Code or a Health Maintenance Organization as defined in Section 1-2(9) of the Health Maintenance Organization Act, Dental Service Plan as defined in Section 4 of the Dental Service Plan Act, or a Limited Health Service Organization as defined in Section 1002 of the Limited Health Service Organization Act.

"Internal Audit Function" means a function by which a person or persons provide independent, objective and reasonable assurance designed to add value and improve an organization's operations and accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

"Internal Control Over Financial Reporting" means a process effected by an entity's board of directors, management and other personnel designed to provide

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reasonable assurance regarding the reliability of the financial statements, i.e., those items specified in Section 925.50(b)(2) through (8), and includes those policies and procedures that:

Pertain to the maintenance of records that, in reasonable detail, accurately and fairly reflect the transactions and dispositions of assets;

Provide reasonable assurance that transactions are recorded as necessary to permit preparation of the financial statements, i.e., those items specified in Section 925.50(b)(2) through (9), and that receipts and expenditures are being made only in accordance with authorizations of management and directors; and

Provide reasonable assurance regarding prevention or timely detection of unauthorized acquisition, use or disposition of assets that could have a material effect on the financial statements, i.e., those items specified in Section 925.50(b)(2) through (9).

"Limited Health Service Organization Act" means 215 ILCS 130.

"SEC" means the United States Securities and Exchange Commission.

"Section 404" means Section 404 of the Sarbanes-Oxley Act of 2002, ~~as codified in~~ [\(15 USC 7262\)](#).

"Section 404 Report" means Management's Report of Internal Control over Financial Reporting as defined by the SEC (17 CFR 240.13a-15(f)) and the related attestation report of the independent certified public accountant as described in Section 925.160.

"SOX Compliant Entity" means an entity that either is required to be compliant with, or voluntarily is compliant with, all of the following provisions of the Sarbanes-Oxley Act of 2002:

the preapproval requirements of 15 USC 78j-l(i);

the audit committee independence requirements of 15 USC 78j-l(m)(3);  
and

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the internal control over financial reporting requirements of 17 CFR 229.308.

(Source: Amended at 43 Ill. Reg. 14121, effective January 1, 2020)

**Section 925.140 Requirements for Audit Committees**

This Section shall not apply to foreign or alien insurers licensed in this State or an insurer that is a SOX Compliant Entity or a direct or indirect wholly-owned subsidiary of a SOX Compliant Entity.

- a) The audit committee shall be directly responsible for the appointment, compensation and oversight of the work of any accountant (including resolution of disagreements between management and the accountant regarding financial reporting) for the purpose of preparing or issuing the audited financial report or related work pursuant to this Part. Each accountant shall report directly to the audit committee.
- b) The audit committee of an insurer or group of insurers shall be responsible for overseeing the insurer's internal audit function and granting the person or persons performing the function suitable authority and resources to fulfill the responsibilities, if required by Section 925.141.
- ~~b~~) Each member of the audit committee shall be a member of the board of directors of the insurer or a member of the board of directors of an entity elected pursuant to both subsection ~~(f)~~ and the definition of audit committee found in Section 925.30.
- ~~d~~e) In order to be considered independent for purposes of this Section, a member of the audit committee may not, other than in his or her capacity as a member of the audit committee, the board of directors, or any other board committee, accept any consulting, advisory or other compensatory fee from the entity or be an affiliated person of the entity or any subsidiary of the entity. However, if law requires board participation by otherwise non-independent members, that law shall prevail and the members may participate in the audit committee and be designated as independent for audit committee purposes, unless they are ~~officers~~officer's or ~~employees~~employee's of the insurer or one of its affiliates.

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- ed) If a member of the audit committee ceases to be independent for reasons outside the member's reasonable control, that person, with notice by the responsible entity to the State, may remain an audit committee member of the responsible entity until the earlier of the next annual meeting of the responsible entity or one year from the occurrence of the event that caused the member to be no longer independent.
- fe) To exercise the election of the controlling person to designate the audit committee for purposes of this Part, the ultimate controlling person shall provide written notice to the domiciliary commissioners of the affected insurers. Notification shall be made timely prior to the issuance of the statutory audit report and include a description of the basis for the election. The election can be changed through notice to the domiciliary commissioner of the affected~~Director by the~~ insurer, which shall include a description of the basis for the change. The election shall remain in effect for perpetuity, until rescinded.
- gf) Report to Audit Committee
- 1) The audit committee shall require the accountant that performs for an insurer any audit required by this Part to timely report to the audit committee in accordance with the requirements of AU-C Section 260, The Auditor's Communication With Those Charged With Governance, AICPA Professional Standards (as of ~~December 15~~June 1, 2014 (no later amendments or editions), by American Institute of Certified Public Accountants, Inc., 1211 Avenue of the Americas, New York NY 10036-8775; website www.aicpa.org), including:
    - A) All significant accounting policies and material permitted practices;
    - B) All material alternative treatments of financial information within statutory accounting principles that have been discussed with management officials of the insurer, ramifications of the use of the alternative disclosures and treatments, and the treatment preferred by the accountant; and
    - C) Other material written communications between the accountant and the management of the insurer, such as any management letter or schedule of unadjusted differences.

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- 2) If an insurer is a member of an insurance holding company system, the reports required by subsection (g~~f~~)(1) may be provided to the audit committee on an aggregate basis for insurers in the holding company system, provided that any substantial differences among insurers in the system are identified to the audit committee.

hg) The proportion of independent audit committee members shall meet or exceed the following criteria:

## Prior Calendar Year Direct Written and Assumed Premiums

\$0 - \$300,000,000	Over \$300,000,000 - \$500,000,000	Over \$500,000,000
No minimum requirements. See also Note A and B.	Majority (50% or more) of members shall be independent. See also Note A and B.	Supermajority of members (75% or more) shall be independent. See also Note A.

Note A: The Director has authority afforded by State law to require the entity's board to enact improvements to the independence of the audit committee membership if the insurer is in a risk based capital (RBC) action level event, as defined in [Section 215 ILCS 5/35A-15, 20, 25 or 30](#) of the Code, meets one or more of the standards of an insurer deemed to be in hazardous financial condition, or otherwise exhibits qualities of a troubled insurer.

Note B: All insurers with less than \$500,000,000 in prior year direct written and assumed premiums are encouraged to structure their audit committees with at least a supermajority of independent audit committee members.

Note C: Prior calendar year direct written and assumed premiums shall be the combined total of direct premiums and assumed premiums from non-affiliates for the reporting entities.

ih) An insurer with direct written and assumed premium, excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, less than \$500,000,000 may make application to the Director for a waiver from the requirements of this Section based upon hardship. The insurer shall file, with its annual statement filing, the approval for relief from this Section

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with the states that it is licensed in or doing business in and the NAIC. If the nondomestic state accepts electronic filing with the NAIC, the insurer shall file the approval in an electronic format acceptable to the NAIC.

(Source: Amended at 43 Ill. Reg. 14121, effective January 1, 2020)

**Section 925.141 Internal Audit Function Requirements**

- a) Exemption. An insurer is exempt from the requirements of this Section if the insurer:
- 1) has annual direct written and unaffiliated assumed premiums, including international direct and assumed premiums, but excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, of less than \$500,000,000; or
  - 2) is a member of a group of insurers that has annual direct written and unaffiliated assumed premiums, including international direct and assumed premiums, but excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, of less than \$1,000,000,000.
- b) Function. The insurer or group of insurers shall establish an internal audit function providing independent, objective and reasonable assurance to the audit committee and insurer management regarding the insurer's governance, risk management and internal controls. This assurance shall be provided by performing general and specific audits, reviews and tests and by employing other techniques deemed necessary to protect assets, evaluate control effectiveness and efficiency, and evaluate compliance with policies and regulations.
- c) Independence. In order to ensure that internal auditors remain objective, the internal audit function must be organizationally independent. Specifically, the internal audit function shall not defer ultimate judgment on audit matters to others, and shall appoint an individual to head the internal audit function who will have direct and unrestricted access to the board of directors. Organizational independence does not preclude dual-reporting relationships.
- d) Reporting. The head of the internal audit function shall report to the audit committee regularly, but no less than annually, on the periodic audit plan, factors

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that may adversely impact the internal audit function's independence or effectiveness, material findings from completed audits and the appropriateness of corrective actions implemented by management as a result of audit findings.

- e) Additional Requirements. If an insurer is a member of an insurance holding company system or included in a group of insurers, the insurer may satisfy the internal audit function requirements set forth in this Section at the ultimate controlling parent level, an intermediate holding company level, or the individual legal entity level.

(Source: Added at 43 Ill. Reg. 14121, effective January 1, 2020)

**Section 925.170 Exemptions and Effective Dates~~Transitions~~**

- a) Upon written application of any domestic insurer, the Director may grant an exemption from compliance with any and all provisions of this Part if the Director finds, upon review of the application, that compliance with this Part would constitute a financial or organizational hardship upon the insurer. An exemption may be granted at any time, and from time to time, for a specified period or periods. Within 10 days ~~after~~from a denial of an insurer's written request for an exemption from this Part, the insurer may request in writing a hearing on its application for an exemption. The hearing shall be held in accordance with the rules of the Department pertaining to administrative hearing procedures (50 Ill. Adm. Code 2402).
- b) Domestic insurers retaining a certified public accountant who qualifies as independent shall comply with the January 1, 2010 revisions for the year ending December 31, 2010 and each year thereafter, unless the Director permits otherwise.
- c) Domestic insurers not retaining a certified public accountant on the effective date of this regulation who qualifies as independent ~~shall~~may meet the following schedule for compliance unless the Director permits otherwise.
- 1) As of December 31, 2010, file with the Director an audited financial report.

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- 2) For the year ending December 31, 2010 and each year thereafter, these insurers shall file with the Director all reports and communication required by this Part.
- d) Foreign insurers shall comply with this regulation for the year ending December 31, 2010, and each year thereafter, unless the Director permits otherwise.
- e) The requirements of Section 925.70(d) shall be in effect for audits of the year beginning January 1, 2010 and thereafter.
- f) The requirements of Section 925.140 are to be in effect January 1, 2010. An insurer or group of insurers that is not required to have independent audit committee members or only a majority of independent audit committee members (as opposed to a supermajority) because the total written and assumed premium is below the threshold, and subsequently becomes subject to one of the independence requirements due to changes in premium, shall have 1 year following the year the threshold is exceeded (but not earlier than January 1, 2010) to comply with the independence requirements. Likewise, an insurer that becomes subject to one of the independence requirements as a result of a business combination shall have one calendar year following the date of acquisition or combination to comply with the independence requirements.
- g) The requirements of this Section and ~~other modified~~ Sections (925.20, 925.30, 925.40, 925.50, 925.60, 925.70, 925.90, 925.100, 925.110, 925.120, 925.130, 925.150, 925.160 and 925.180) are effective beginning with the reporting period ending December 31, 2010 and each year thereafter. An insurer or group of insurers that is not required to file a report because the total written premium is below the threshold and subsequently becomes subject to the reporting requirements shall have 2 years following the year the threshold is exceeded (but not earlier than December 31, 2010) to file a report. Likewise, an insurer acquired in a business combination shall have 2 calendar years following the date of acquisition or combination to comply with the reporting requirements.
- h) The requirements of Section 925.141 are effective January 1, 2020. If an insurer or group of insurers that is exempt from the Section 925.141 requirements no longer qualifies for that exemption, it shall have one year after the year the threshold is exceeded to comply with the requirements of this Part.

(Source: Amended at 43 Ill. Reg. 14121, effective January 1, 2020)

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- 1) Heading of the Part: Credit for Reinsurance Ceded
- 2) Code Citation: 50 Ill. Adm. Code 1104
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1104.10	Amendment
1104.15	Amendment
1104.30	Amendment
1104.35	New Section
1104.40	Amendment
1104.45	New Section
1104.60	Amendment
1104.70	Amendment
1104.80	Amendment
1104.100	Amendment
1104.APPENDIX B	New Section
- 4) Statutory Authority: Implementing Sections 173 and 173.1 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/173, 5/173.1, and 5/401].
- 5) Effective Date of Rules: November 19, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 8627; August 16, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

In the second line of 1104.10, reinstated "the".

In the fourth line of 1104.45(b)(1), changed "subsection (a)(3)" to "subsection (a)".

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In the first line of 1104.45(b)(2), removed "If it resists enforcement of a final U.S. judgment" and capitalized "the"; sixth line, added "if it resists enforcement of a final U.S. judgment" before the period.

In the third line of 1104.45(c), changed "this Section" to "Section 173.1(1)(C-5)(8)(f) of the Code"; fourth line, after "Section" added "1104.45".

In the second line of 1104.80(i)(2)(B), struck "for the above" and added "under subsection (i)(1)".

In 1104.APPENDIX B in the first line of paragraph 4, after "notification" added "to the Illinois Department of Insurance"; in the first line of paragraphs 6, 7 and 8, after "annually file" added "with the Illinois Department of Insurance".

Made nonsubstantive punctuation and formatting changes throughout the rule as requested by JCAR.

- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: U.S. reinsurance collateral requirements mandated by state insurance laws have been controversial for several years. While U.S. states have traditionally required 100% collateral for insurers taking financial statement credit for risks reinsured with non-U.S. reinsurers, often foreign jurisdictions do not require the same of U.S. reinsurers. This has come to be recognized as an unacceptable competitive disadvantage within the global reinsurance marketplace, and has led to numerous state, federal, and international efforts to correct the situation.

Recognizing the potential for variation in collateral requirements across states makes planning for collateral liability more uncertain and thus potentially more expensive, state regulators have been working together through the National Association of Insurance Commissioners ("NAIC") to reduce collateral requirements in a consistent manner commensurate with the financial strength of the reinsurer and the quality of the regulatory regime that oversees it. The NAIC passed amendments to the NAIC Credit for

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Reinsurance Model Law (#785) and Credit for Reinsurance Model Regulation (#786) (Credit for Reinsurance Models) in 2011. Once implemented by a state, the amendments will allow foreign reinsurers to post significantly less than 100% collateral for U.S. claims, provided the reinsurer is evaluated and certified. Individual reinsurers are certified based on criteria that include, but are not limited to, financial strength, timely claims payment history, and the requirement a reinsurer be domiciled and licensed in a qualified jurisdiction.

On July 21, 2010, Congress passed and the President signed related federal legislation, the Non-admitted and Reinsurance Reform Act, which became effective July 21, 2011. This law will preempt the extraterritorial application of the Illinois credit for reinsurance law if we do not adopt the proposed changes.

The amendments became an NAIC accreditation standard effective January 1, 2019. Illinois must adopt these amendments to maintain its accreditation with the NAIC.

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

Susan Berry  
Group Solvency Specialist  
Department of Insurance  
320 West Washington Street  
Springfield IL 62767-0001

217/782-1759

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

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TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER 0: REINSURANCEPART 1104  
CREDIT FOR REINSURANCE CEDED

Section	
1104.10	Purpose
1104.15	Definitions
1104.20	Credit for Reinsurance – Reinsurer Licensed in this State
1104.30	Credit for Reinsurance – Accredited Reinsurers
<a href="#">1104.35</a>	<a href="#">Credit for Reinsurance – Reinsurer Domiciled in Another State</a>
1104.40	Credit for Reinsurance – Reinsurers Maintaining Trust Funds
<a href="#">1104.45</a>	<a href="#">Credit for Reinsurance – Certified Reinsurers</a>
1104.50	Credit for Reinsurance Required by Law
1104.60	Reduction from Liability for Reinsurance Ceded to an Unauthorized Assuming Insurer
1104.70	Trust Agreements Qualified Under Section 1104.60 <del>of this Part</del>
1104.80	Letters of Credit Qualified Under Section 1104.60 <del>of this Part</del>
1104.90	Other Security
1104.100	Reinsurance Contract
1104.110	Contracts Affected
1104.120	Severability
1104.APPENDIX A	Form AR-1 Certificate of Assuming Insurer
<a href="#">1104.APPENDIX B</a>	<a href="#">Form CR-1 Certificate of Certified Reinsurer</a>

AUTHORITY: Implementing Sections 173 and 173.1 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5].

SOURCE: Adopted at 20 Ill. Reg. 368, effective January 1, 1996; transferred from the Department of Insurance to the Department of Financial and Professional Regulation pursuant to Executive Order 2004-6 on July 1, 2004; amended at 33 Ill. Reg. 9314, effective June 18, 2009; recodified from the Department of Financial and Professional Regulation to the Department of Insurance at 39 Ill. Reg. 5895; amended at 43 Ill. Reg. 14133, effective November 19, 2019.

**Section 1104.10 Purpose**

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The purpose of this Part is to set forth procedural requirements ~~which~~ the Director deems necessary to carry out the provisions of Article XI of the ~~Illinois Insurance Code~~ [\[215 ILCS 5/Art. XI\]](#).

(Source: Amended at 43 Ill. Reg. 14133, effective November 19, 2019)

**Section 1104.15 Definitions**

"Code" means the Illinois Insurance Code [215 ILCS 5].

"Department" means the Department of Insurance.

"Director" means the Director of the Department of Insurance.

"ICC" means the International Chamber of Commerce.

"NAIC" [means the National Association of Insurance Commissioners.](#)

"SEC" [means the U.S. Securities and Exchange Commission.](#)

(Source: Amended at 43 Ill. Reg. 14133, effective November 19, 2019)

**Section 1104.30 Credit for Reinsurance – Accredited Reinsurers**

- a) Pursuant to Section 173.1(1)(B) of the Code, the Director shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer ~~that~~[which](#) is accredited as a reinsurer in this State as of the date of the ceding insurer's most recent statutory financial statement. An accredited reinsurer ~~mustis one which~~:
- 1) ~~File~~[Files](#) a properly executed Form AR-1 (Certificate of Assuming Insurer) found in Appendix A ~~of this Part~~ as evidence of its submission to this State's jurisdiction and to this State's authority to examine its books and records; ~~and~~
  - 2) ~~File~~[Files](#) with the Director a certified copy of a letter or a certificate of authority or of compliance as evidence that it is licensed to transact insurance or reinsurance in at least one state; or, in the case of a United States branch of an alien assuming insurer, is entered through and licensed to transact insurance or reinsurance in at least one state; ~~and~~

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- 3) ~~File~~Files annually with the Director a copy of its annual financial statement filed with the insurance department of its state of domicile or, in the case of an alien assuming insurer, with the state through which it is entered and in which it is licensed to transact insurance or reinsurance, and a copy of its most recent audited financial statement; and
- 4) ~~Maintain~~Maintains a surplus as regards policyholders in an amount not less than ~~\$20 million~~\$20,000,000, or obtain the affirmative approval of the Director upon a finding that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers and whose accreditation has been approved by the Director.
- b) If the Director determines that the assuming insurer has failed to meet or maintain any of these qualifications, the Director may, upon written notice and opportunity for hearing, suspend or revoke the accreditation. Credit shall not be allowed a domestic ceding insurer under this Section if the assuming insurer's accreditation has been revoked by the Director, or if the reinsurance was ceded while the assuming insurer's accreditation was under suspension by the Director.

(Source: Amended at 43 Ill. Reg. 14133, effective November 19, 2019)

**Section 1104.35 Credit for Reinsurance – Reinsurer Domiciled in Another State**

- a) As part of complying with Section 173.1(1)(B-5)(1)(b) of the Code, an assuming insurer or U.S. branch of an alien assuming insurer must file with the Director a properly executed Form AR-1 found in Appendix A, which will be evidence of its submission to this State's authority to examine its books and records.
- b) As used in Section 173.1(1)(B-5)(1) of the Code, *substantially similar* standards means credit for reinsurance standards the Director determines equal or exceed the standards of Article XI of the Code and this Part.

(Source: Added at 43 Ill. Reg. 14133, effective November 19, 2019)

**Section 1104.40 Credit for Reinsurance – Reinsurers Maintaining Trust Funds**

- a) Pursuant to Section 173.1(1)(C) of the Code, the Director shall allow credit for

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reinsurance ceded by a domestic insurer to an assuming insurer that, as of the date of the ceding insurer's most recent statutory financial statement, maintains a trust fund in an amount prescribed in subsection (b) in a qualified U.S. United States financial institution as defined in Section 173.1(3)(B) of the Code, for the payment of the valid claims of its U.S. United States policyholders and ceding insurers, their assigns and successors in interest. The assuming insurer shall report annually to the Director substantially the same information as that required to be reported on the NAIC annual statement form by licensed insurers, to enable the Director to determine the sufficiency of the trust fund.

b) The following requirements apply to the following categories of assuming insurer:

1) The trust fund for a single assuming insurer shall consist of funds in trust in an amount not less than the assuming insurer's gross liabilities attributable to business written in the U.S. United States, and in addition, a trusted surplus of not less than \$20 million\$20,000,000, except as provided in Section 173.1(1)(C)(3)(a-5) of the Code. The assuming insurer shall file a properly executed Form AR-1 Certificate of Assuming Insurer found in Appendix A ~~of this Part~~ as evidence of the submission to this State's authority to examine its books and records and shall certify that it will bear the expense of any such examination.

2) Certain Group Trust Fund Requirements

A) The trust fund for a group including incorporated and unincorporated individual underwriters shall consist of:

i) For reinsurance ceded under reinsurance agreements with an inception, amendment, or renewal date on or after January 1, 1993, funds in trust in an amount not less than the respective underwriters' several liabilities attributable to business ceded by U.S. domiciled ceding insurers to any underwriter of the group; and

ii) For reinsurance ceded under reinsurance agreements with an inception date on or before December 31, 1992, and not amended or renewed after that date, notwithstanding the other provisions of this Part, funds in trust in an amount not less than the respective underwriters' several insurance and

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reinsurance liabilities attributable to business written in the U.S.

- B) ~~In funds in trust in an amount not less than the group's aggregate gross liabilities attributable to business written in the United States and, in~~ addition, the group shall maintain a trusteed surplus of which ~~\$100 million~~ \$100,000,000 shall be held jointly for the benefit of the ~~U.S. United States~~ ceding insurers of any member of the group for all the years of account. The group shall file a properly executed Form AR-1 Certificate of Assuming Insurer found in Appendix A ~~of this Part~~ as evidence of the submission to this State's authority to examine the books and records of any of its members and shall certify that any member examined will bear the expense of any such examination. The group shall make available to the Director annual certifications by the group's domiciliary regulator and its independent public accountants of the solvency of each underwriter member of the group.
- C) The incorporated members of the group shall not be engaged in any business, other than underwriting as a member of the group, and shall be subject to the same level of regulation and solvency control by the group's domiciliary regulator as are the unincorporated members.
- 3) Insurers Conducting Business Outside the United States
- A) The trust fund for a group of incorporated insurers under common administration, whose members possess aggregate policyholders surplus of ~~\$10 billion~~ \$10,000,000,000 (calculated and reported in substantially the same manner as prescribed by the annual statement instructions and NAIC Accounting Practices and Procedures Manual of the National Association of Insurance Commissioners) and ~~that which~~ has continuously transacted an insurance business outside the ~~U.S. United States~~ for at least 3 years immediately prior to making application for accreditation;
- i) shall consist of funds in trust in an amount not less than the assuming insurers' gross liabilities attributable to business ceded by ~~U.S. United States~~ ceding insurers to any members

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of the group pursuant to reinsurance contracts issued in the name of ~~the such~~ group; and, ~~in addition, the group~~

ii) shall maintain a joint trusteed surplus of which ~~\$100 million~~ ~~\$100,000,000~~ shall be held jointly for the benefit of ~~U.S. United States~~ ceding insurers of any member of the group.

B) The group shall file a properly executed Form AR-1 Certificate of Assuming Insurer found in Appendix A ~~of this Part~~ as evidence of the submission to this State's authority to examine the books and records of any of its members and shall certify that any member examined will bear the expense of any such examination.

C) The group shall make available to the Director annual certifications by the members' domiciliary regulators and their independent public accountants of the solvency of each member of the group.

- c) The trust shall be established in a form approved by the Director and complying with Section 173.1(1) of the Code and this Part. The trust instrument shall provide that:
- 1) Contested claims shall be valid and enforceable out of funds in trust to the extent remaining unsatisfied 30 days after entry of the final order of any court of competent jurisdiction in the ~~U.S. United States~~.
  - 2) Legal title to the assets of the trust shall be vested in the trustee for the benefit of the grantor's ~~U.S. United States~~ policyholders and ceding insurers, their assigns and successors in interest.
  - 3) The trust shall be subject to examination as determined by the Director.
  - 4) The trust shall remain in effect for as long as the assuming insurer, or any member or former member of a group of insurers, shall have outstanding obligations under reinsurance agreements subject to the trust.
  - 5) No later than February 28 of each year the trustees of the trust shall report to the Director in writing setting forth the balance in the trust and listing

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the trust's investments at the preceding year end, and shall certify the date of termination of the trust, if so planned, or certify that the trust shall not expire prior to the next following December 31.

- 6) No amendment to the trust shall be effective unless reviewed and approved in advance by the Director.

(Source: Amended at 43 Ill. Reg. 14133, effective November 19, 2019)

**Section 1104.45 Credit for Reinsurance – Certified Reinsurers**

- a) Pursuant to Section 173.1 of the Code, the Director shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer that has been certified as a reinsurer in this State at all times for which statutory financial statement credit for reinsurance is claimed under this Section. The credit allowed shall be based upon the security held by or on behalf of the ceding insurer in accordance with a rating assigned to the certified reinsurer by the Director. The security shall be in a form consistent with the provisions of Section 173.1 of the Code. The amount of security required in order for full credit to be allowed shall correspond with the following requirements:
  - 1) Affiliated reinsurance transactions shall receive the same opportunity for reduced security requirements as all other reinsurance transactions.
  - 2) The Director shall require the certified reinsurer to post, for the benefit of the ceding insurer or its estate, 100% security upon the entry of an order of rehabilitation, liquidation or conservation against the ceding insurer.
  - 3) In order to facilitate the prompt payment of claims, if the Director has assigned a Secure-1, Secure-2, Secure-3 or Secure-4 rating to a certified reinsurer under Section 173.1(1)(C-5)(5) of the Code, the Director may allow the certified reinsurer to defer posting security for catastrophe recoverables for a period of up to one year from the date of the first instance of a liability reserve entry by the ceding company as a result of a loss from a catastrophic occurrence that is likely to result in significant insured losses recognized by the Director. The one-year deferral period is contingent upon the certified reinsurer continuing to pay claims in a timely manner in compliance with its contractual obligations as set forth in the reinsurance agreement under which the claims are ceded.

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Reinsurance recoverables for only the following lines of business, as reported on the NAIC annual financial statement related specifically to the catastrophic occurrence, will be included in the deferral:

- A) Line 1: Fire
- B) Line 2: Allied Lines
- C) Line 3: Farmowners multiple peril
- D) Line 4: Homeowners multiple peril
- E) Line 5: Commercial multiple peril
- F) Line 9: Inland Marine
- G) Line 12: Earthquake
- H) Line 21: Auto physical damage

b) Certification Procedure

- 1) The Director shall issue written notice to an assuming insurer that has made application and been approved as a certified reinsurer. Included in the notice shall be the rating assigned the certified reinsurer in accordance with subsection (a). The Director shall publish a list of all certified reinsurers and their ratings.
- 2) The assuming insurer must submit a properly executed Form CR-1 as evidence of its submission to the jurisdiction of this State, appointment of the Director as an agent for service of process in this State, and agreement to provide security for 100% of the assuming insurer's liabilities attributable to reinsurance ceded by U.S. ceding insurers if it resists enforcement of a final U.S. judgment. The Director shall not certify any assuming insurer that is domiciled in a jurisdiction that the Director has determined does not adequately and promptly enforce final U.S. judgments or arbitration awards.
- 3) The certified reinsurer must agree to meet applicable information filing

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requirements, as determined by the Director, both with respect to an initial application for certification and on an ongoing basis. The assuming insurer must pay all costs and expenses associated with the review and evaluation of its application to become a certified reinsurer. All information submitted by certified reinsurers that is not otherwise public information subject to disclosure, shall be exempted from disclosure under Section 173.1 of the Code and shall be withheld from public disclosure. The applicable information filing requirements are as follows:

- A) Notification within 10 days after any regulatory actions taken against the certified reinsurer, any change in the provisions of its domiciliary license, or any change in rating by an approved rating agency, including a statement describing the changes and the reasons for the changes;
- B) For certified reinsurers not domiciled in the U.S., Form CR-F (for property and casualty reinsurers) or Form CR-S (for life and health reinsurers), which are required to be filed annually and are available on the Department's website at <https://insurance.illinois.gov>;
- C) Annually, the report of the independent auditor on the financial statements of the insurance enterprise, on the basis described in subsection (b)(3)(D);
- D) Financial Statements
  - i) Annually, audited financial statements (audited U.S. GAAP basis if available; audited IFRS basis statements are allowed but must include an audited footnote reconciling equity and net income to a U.S. GAAP basis; or, with the permission of the Director, audited IFRS statements with reconciliation to U.S. GAAP certified by an officer of the company), regulatory filings, and actuarial opinion (as filed with the certified reinsurer's supervisor).
  - ii) Upon the initial certification, audited financial statements for the last 3 years filed with the certified reinsurer's

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supervisor:

- E) At least annually, an updated list of all disputed and overdue reinsurance claims regarding reinsurance assumed from U.S. domestic ceding insurers;
  - F) A certification from the certified reinsurer's domestic regulator that the certified reinsurer is in good standing and maintains capital in excess of the jurisdiction's highest regulatory action level; and
  - G) Any other information that the Director may reasonably require.
- c) The certified reinsurer shall provide and maintain security in an amount sufficient to avoid the imposition of any financial statement penalty on the ceding insurer under Section 173.1(1)(C-5)(8)(f) of the Code for reinsurance ceded to the certified reinsurer. Reinsurance contracts entered into or renewed under this Section 1104.45 shall include this requirement as a proper funding clause in addition to the clauses required under Section 1104.100.

(Source: Added at 43 Ill. Reg. 14133, effective November 19, 2019)

**Section 1104.60 Reduction from Liability for Reinsurance Ceded to an Unauthorized Assuming Insurer**

Pursuant to Section 173.1(2) of the Code, the Director shall allow a reduction from liability for reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of Section 173.1(1) of the Code in an amount not exceeding the liabilities carried by the ceding insurer. ~~TheSuch~~ reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the exclusive benefit of the ceding insurer, under a reinsurance contract with ~~thatsueh~~ assuming insurer as security for the payment of obligations thereunder. ~~TheSuch~~ security must be held in the ~~U.S. United States~~ subject to withdrawal solely by, and under the exclusive control of, the ceding insurer or, in the case of a trust, held in a qualified ~~U.S. United States~~ financial institution as defined in Section 173.1(3)(B) of the Code.

- a) This security may be in the form of any of the following:
  - 1) Cash.
  - 2) Securities ~~listed by the Securities Valuation Office of the National~~

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~~Association of Insurance Commissioners and~~ qualifying as admitted assets under Article VIII of the Code ~~and listed by the NAIC Securities Valuation Office, including those deemed exempt from filing by the "Purposes and Procedures Manual of the NAIC Investment Analysis Office" (National Association of Insurance Commissioners, One New York Plaza, Ste. 4210, New York NY 10004) (Volume 18/Issue 1, December 31, 2018) (no later editions or amendments).~~

- 3) Clean, irrevocable, unconditional and "evergreen" letters of credit issued or confirmed by a qualified ~~U.S. United States~~ institution, as defined in Section 173.1(3)(A) of the Code, effective no later than December 31 of the year for which filing is being made, and in the possession of the ceding ~~insurerecompany~~ on or before the filing date of its annual financial statement. Letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance (or confirmation) shall, notwithstanding the issuing (or confirming) institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification or amendment, whichever first occurs.
- 4) Any other form of security acceptable to the Director.
- b) An admitted asset or a reduction from liability for reinsurance ceded to an unauthorized assuming insurer pursuant to subsections (a)(1), (2) and (3) shall be allowed only when the requirements of Section 1104.70, 1104.80 or 1104.90 ~~of this Part~~ are met.

(Source: Amended at 43 Ill. Reg. 14133, effective November 19, 2019)

**Section 1104.70 Trust Agreements Qualified Under Section 1104.60 ~~of this Part~~**

- a) As used in this Section:
  - 1) Beneficiary means the entity for whose sole benefit the trust has been established and any successor of the beneficiary by operation of law. If a court of law appoints a successor in interest to the named beneficiary, ~~then~~ the named beneficiary includes and is limited to the court appointed domiciliary receiver (including conservator, rehabilitator or liquidator).

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- 2) Grantor means the entity that has established a trust for the sole benefit of the beneficiary. When established in conjunction with a reinsurance agreement, the grantor is the unlicensed, unaccredited assuming insurer.
- 3) Obligations, as used in subsection (b)(11), means:
  - A) Reinsured losses and allocated loss adjustment expenses paid by the ceding company, but not recovered from the assuming insurer;
  - B) Reserves for reinsured losses reported and outstanding;
  - C) Reserves for reinsured losses incurred but not reported; and
  - D) Reserves for allocated reinsured loss adjustment expenses and unearned premiums.
- b) Required Conditions:
  - 1) The trust agreement shall be entered into between the beneficiary, the grantor and a trustee that shall be a qualified U.S. United States financial institution as defined in Section 173.1(3)(B) of the Code.
  - 2) The trust agreement shall create a trust account into which assets shall be deposited.
  - 3) All assets in the trust account shall be held by the trustee at the trustee's office in the U.S. United States, except that a bank may apply for the Director's permission to use a foreign branch office of the bank as trustee for trust agreements established pursuant to this Section. If the Director approves the use of the foreign branch office as trustee, then its use must be approved by the beneficiary in writing and the trust agreement must provide that the written notice described in subsection (b)(4)(A) must also be presentable, as a matter of legal right, at the trustee's principal office in the U.S. United States.
  - 4) The trust agreement shall provide that:
    - A) The beneficiary shall have the right to withdraw assets from the trust account at any time, without notice to the grantor, subject

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only to written notice from the beneficiary to the trustee;

- B) No other statement or document is required to be presented in order to withdraw assets, except that the beneficiary may be required to acknowledge receipt of withdrawn assets;
  - C) It is not subject to any conditions or qualifications outside of the trust agreement; and
  - D) It shall not contain references to any other agreements or documents except as provided for under [subsections](#)~~subsection~~ (b)(11) [and \(12\)](#).
- 5) The trust agreement shall be established for the sole benefit of the beneficiary.
- 6) The trust agreement shall require the trustee to:
- A) Receive assets and hold all assets in a safe place;
  - B) Determine that all assets are in such form that the beneficiary, or the trustee upon direction by the beneficiary, may, whenever necessary, negotiate any such assets, without consent or signature from the grantor or any other person or entity;
  - C) Furnish to the grantor and the beneficiary a statement of all assets in the trust account upon its inception and at intervals no less frequent than the end of each calendar quarter;
  - D) Notify the grantor and the beneficiary, within 10 days, of any deposits to or withdrawals from the trust account;
  - E) Upon written demand of the beneficiary, immediately take any and all steps necessary to transfer absolutely and unequivocally all right, title and interest in the assets held in the trust account to the beneficiary and deliver physical custody of the assets to the beneficiary; and
  - F) Allow no substitutions or withdrawals of assets from the trust

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account, except on written instructions from the beneficiary, except that the trustee may, without the consent of but with notice to the beneficiary, upon call or maturity of any trust asset, withdraw the asset upon condition that the proceeds are paid into the trust account.

- 7) The trust agreement shall provide that, at least 30 days, but not more than 45 days, prior to termination of the trust account, written notification of termination shall be delivered by the trustee to the beneficiary.
- 8) The trust agreement shall be made subject to and governed by the laws of the state in which the trust is established.
- 9) The trust agreement shall prohibit invasion of the trust corpus for the purpose of paying compensation to, or reimbursing the expenses of, the trustee.
- 10) The trust agreement shall provide that the trustee shall be liable for its own negligence, willful misconduct or lack of good faith.
- 11) Notwithstanding other provisions of this Part, when a trust agreement is established in conjunction with a reinsurance agreement covering risks other than life, annuities and accident and health, ~~when~~ where it is customary practice to provide a trust agreement for a specific purpose, ~~the~~ such a trust agreement may, notwithstanding any other conditions in this Part, provide that the ceding insurer shall undertake to use and apply amounts drawn upon the trust account, without diminution because of the insolvency of the ceding insurer or the assuming insurer, for the following purposes:
  - A) To pay or reimburse the ceding insurer for the assuming insurer's share under the specific reinsurance agreement regarding any losses and allocated loss expenses paid by the ceding insurer, but not recovered from the assuming insurer, or for unearned premiums due to the ceding insurer if not otherwise paid by the assuming insurer;
  - B) To make payment to the assuming insurer of any amounts held in the trust account that exceed 102% of the actual amount required

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to fund the assuming insurer's obligations under the specific reinsurance agreement; or

C) ~~When~~Where the ceding insurer has received notification of termination of the trust account and ~~when~~where the assuming insurer's entire obligations under the specific reinsurance agreement remain unliquidated and undischarged 10 days prior to the termination date, to:

i) withdraw amounts equal to the obligations; and

ii) deposit those amounts:

- in a separate account;
- in the name of the ceding insurer;
- in any qualified ~~U.S.~~United States financial institution as defined in Section 173.1(3)(B) of the Code;
- apart from its general assets; and;
- in trust for ~~thesueh~~ uses and purposes specified in subsections (b)(11)(A) and (B) as may remain executory after ~~thesueh~~ withdrawal and for any period after the termination date.

12) ~~Notwithstanding other provisions of this Part, when a trust agreement is established to meet the requirements of Section 1104.60 in conjunction with a reinsurance agreement covering life, annuities, or accident and health risks, when it is customary to provide a trust agreement for a specific purpose, the trust agreement may provide that the ceding insurer shall undertake to use and apply amounts drawn upon the trust account, without diminution because of the insolvency of the ceding insurer or the assuming insurer, only for the following purposes: The reinsurance agreement entered into in conjunction with the trust agreement may, but need not, contain the provisions required by subsection (d)(1)(B), so long as these required conditions are included in the trust agreement.~~

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- A) To pay or reimburse the ceding insurer for:
- i) The assuming insurer's share under the specific reinsurance agreement of premiums returned, but not yet recovered from the assuming insurer, to the owners of policies reinsured under the reinsurance agreement on account of cancellations of the policies; and
  - ii) The assuming insurer's share under the specific reinsurance agreement of surrenders and benefits or losses paid by the ceding insurer, but not yet recovered from the assuming insurer, under the terms and provisions of the policies reinsured under the reinsurance agreement;
- B) To pay the assuming insurer amounts held in the trust account in excess of the amount necessary to secure the credit or reduction from liability for reinsurance taken by the ceding insurer; or
- C) When the ceding insurer has received notification of termination of the trust and when the assuming insurer's entire obligations under the specific reinsurance agreement remain unliquidated and undischarged 10 days prior to the termination date to:
- i) withdraw amounts equal to the assuming insurer's share of liabilities, to the extent that the liabilities have not yet been funded by the assuming insurer; and
  - ii) deposit those amounts:
    - in a separate account;
    - in the name of the ceding insurer;
    - in any qualified U.S. financial institution;
    - apart from its general assets; and
    - in trust for the uses and purposes specified in

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subsections (b)(12)(A) and (B) as may remain executory after withdrawal and for any period after the termination date.

13) Either the reinsurance agreement or the trust agreement must stipulate that assets deposited in the trust account shall be valued according to their current fair market value and shall consist only of cash in U.S. dollars, certificates of deposit issued by a U.S. bank and payable in U.S. dollars, and investments permitted by the Code, or any combination of the above, provided investments in or issued by an entity controlling, controlled by, or under common control with, either the grantor or the beneficiary of the trust shall not exceed 5% of total investments. The agreement may further specify the types of investments to be deposited. If the reinsurance agreement covers life, annuities, or accident and health risks, the provisions of this subsection (b)(13) must be included in the reinsurance agreement.

## c) Permitted Conditions-

- 1) The trust agreement may provide that the trustee may resign upon delivery of a written notice of resignation, effective not less than 90 days after receipt by the beneficiary and grantor of the notice, and that the trustee may be removed by the grantor, by delivery to the trustee and the beneficiary, of a written notice of removal, effective not less than 90 days after receipt by the trustee and the beneficiary of the notice. ~~provided that~~ However, no such resignation or removal shall be effective until a successor trustee has been duly appointed and approved by the beneficiary and the grantor and all assets in the trust have been duly transferred to the new trustee.
- 2) The grantor may have the full and unqualified right to vote any shares of stock in the trust account and to receive from time to time payments of any dividends or interest upon any shares of stock or obligations included in the trust account. Any such interest or dividends shall be either forwarded promptly upon receipt to the grantor or deposited in a separate account established in the grantor's name.
- 3) The trustee may be given authority to invest, and accept substitutions of, any funds in the account, provided that no investment or substitution shall

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be made without prior approval of the beneficiary, unless the trust agreement specifies categories of investments acceptable to the beneficiary and authorizes the trustee to invest funds and to accept substitutions ~~that~~which the trustee determines are at least equal in current fair market value to the assets withdrawn and that are consistent with the restrictions in subsection (d)(1)(B).

- 4) The trust agreement may provide that the beneficiary may, at any time, designate a party to which all or part of the trust assets are to be transferred. The transfer may be conditioned upon the trustee receiving, prior to or simultaneously with, other specified assets.
  - 5) The trust agreement may provide that, upon termination of the trust account, all assets not previously withdrawn by the beneficiary ~~shall~~, with written approval by the beneficiary, shall be delivered over to the grantor.
- d) Additional Conditions Applicable to Reinsurance Agreements:
- 1) A reinsurance agreement that is entered into in conjunction with a trust agreement and the establishment of a trust account must contain provisions that:
    - A) Require the assuming insurer to:
      - i) enter into a trust agreement, specifying what the agreement is to cover; and ~~to~~
      - ii) establish a trust account for the benefit of the ceding insurer, ~~and specifying what the agreement is to cover~~;
    - B) ~~Stipulate that assets deposited in the trust account shall be valued according to their current fair market value and shall consist only of cash (United States legal tender), certificates of deposit (issued by a United States bank and payable in United States legal tender), and investments of the types permitted by the Illinois Insurance Code or any combination of the three, provided that the investments are issued by an institution that is not the parent, subsidiary or affiliate of either the grantor or the beneficiary. The reinsurance agreement may further specify the types of~~

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~~investments to be deposited. When a trust agreement is entered into in conjunction with a reinsurance agreement covering risks other than life, annuities and accident and health, then the trust agreement may contain the provisions required by this subsection (d)(1)(B) in lieu of including those provisions in the reinsurance agreement;~~

- ~~BC~~) Require the assuming insurer, prior to depositing assets with the trustee, to execute assignments or endorsements in blank, or to transfer legal title to the trustee of all shares, obligations or any other assets requiring assignments, in order that the ceding insurer, or the trustee upon the direction of the ceding insurer, may, whenever necessary, negotiate these assets without consent or signature from the assuming insurer or any other entity;
- ~~CD~~) Require that all settlements of account between the ceding insurer and the assuming insurer be made in cash or its equivalent; and
- ~~DE~~) Stipulate that the assuming insurer and the ceding insurer agree that the assets in the trust account, established pursuant to the provisions of the reinsurance agreement, may be withdrawn by the ceding insurer at any time, notwithstanding any other provisions in the reinsurance agreement, and be utilized and applied by the ceding insurer or its successors in interest by operation of law, including without limitation any liquidator, rehabilitator, receiver or conservator of the company, without diminution because of insolvency on the part of the ceding insurer or the assuming insurer, only for the following purposes:
- i) To reimburse the ceding insurer for the assuming insurer's share of premiums returned to the owners of policies reinsured under the reinsurance agreement because of cancellations of those policies;
  - ii) To reimburse the ceding insurer for the assuming insurer's share of surrenders and benefits or losses paid by the ceding insurer pursuant to the provisions of the policies reinsured under the reinsurance agreement;

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- iii) To fund an account with the ceding insurer in an amount at least equal to the deduction, for reinsurance ceded, from the ceding insurer liabilities for policies ceded under the agreement. The account shall include, but not be limited to, amounts for policy reserves, claims and losses incurred (including losses incurred but not reported), loss adjustment expenses, and unearned premium reserves; and
  - iv) To pay any other amounts the ceding insurer claims are due under the reinsurance agreement.
- 2) The reinsurance agreement may also contain provisions that:
- A) Give the assuming insurer the right to seek approval from the ceding insurer (the ceding insurer shall not unreasonably or arbitrarily withhold its approval) to withdraw from the trust account all or any part of the trust assets and transfer those assets to the assuming insurer, provided:
    - i) The assuming insurer shall, at the time of withdrawal, replace the withdrawn assets with other qualified assets having a current fair market value equal to the market value of the assets withdrawn so as to maintain at all times the deposit in the required amount; or
    - ii) After withdrawal and transfer, the current fair market value of the trust account is no less than 102% of the required amount.
  - B) Provide for:
    - i) The return of any amount withdrawn in excess of the actual amounts required for subsections ~~(d)(1)(D)(i)(d)(1)(E)(i)~~, (ii) and (iii) ~~of this Section~~, or in the case of subsection ~~(d)(1)(D)(iv)(d)(1)(E)(iv)~~, any amounts that are subsequently determined not to be due; and
    - ii) Interest payments, at a rate not in excess of the prime rate of interest, on the amounts held pursuant to subsection

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~~(d)(1)(D)(iii)-(d)(1)(E)(iii).~~

- C) Permit the award by any arbitration panel or court of competent jurisdiction of:
- i) Interest at a rate different from that provided in subsection (d)(2)(B)(ii)~~-of this Section~~;
  - ii) Court of arbitration costs;
  - iii) Attorney's fees; and
  - iv) Any other reasonable expenses.
- ~~e3~~) Financial reporting. A trust agreement may be used to reduce any liability for reinsurance ceded to an unauthorized assuming insurer in financial statements required to be filed with ~~the~~this Department in compliance with the provisions of this Part when established on or before the date of filing of the financial statement of the ceding insurer. Further, the reduction for the existence of an acceptable trust account may be up to the current fair market value of acceptable assets available to be withdrawn from the trust account at that time, but the reduction shall be no greater than the specific obligations under the reinsurance agreement that the trust account was established to secure.
- ~~f4~~) The failure of any trust agreement to specifically identify the beneficiary as defined in subsection (a) shall not be construed to affect any actions or rights ~~which~~ the Director may take or possess pursuant to the provisions of the laws of this State.

(Source: Amended at 43 Ill. Reg. 14133, effective November 19, 2019)

**Section 1104.80 Letters of Credit Qualified Under Section 1104.60~~-of this Part~~**

- a) The letter of credit must be clean, irrevocable and unconditional and issued or confirmed by a qualified ~~U.S. United States~~ financial institution as defined in Section 173.1(3)(A) of the Code. The letter of credit shall contain an issue date and date of expiration and shall stipulate that the beneficiary need only draw a sight draft under the letter of credit and present it to obtain funds and that no other document need be presented. The letter of credit shall also indicate that it is not

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subject to any condition or qualifications outside of the letter of credit. In addition, the letter of credit itself shall not contain reference to any other agreements, documents or entities, except as provided in subsection (i)(1). As used in this Section, "beneficiary" means the domestic insurer for whose benefit the letter of credit has been established and any successor of the beneficiary by operation of law. If a court of law appoints a successor in interest to the named beneficiary, then the named beneficiary includes and is limited to the court appointed domiciliary receiver (including conservator, rehabilitator or liquidator).

- b) The heading of the letter of credit may include a boxed section that contains the name of the applicant and other appropriate notations to provide a reference for the letter of credit. The boxed section shall be clearly marked to indicate that the information is for internal identification purposes only.
- c) The letter of credit shall contain a statement to the effect that the obligation of the qualified U.S. United States financial institution under the letter of credit is in no way contingent upon reimbursement of the letter of credit.
- d) The term of the letter of credit shall be for at least one year and shall contain an "evergreen clause" that prevents the expiration of the letter of credit without due notice from the issuer. The "evergreen clause" shall provide for a period of no less than 30 days' notice prior to the expiration date or nonrenewal.
- e) The letter of credit shall state whether it is subject to and governed by the laws of this State or the "ICC Uniform Customs and Practice for Documentary Credits" (ICC Publication No. 600, July 2007) (UCP 600) or the "International Standby Practices of the International Chamber of Commerce" (ICC Publication No. 590, January 1999) (ISP98) (ICC Publishing, Inc., 1212 Avenue of the Americas, New York NY 10036 (no later amendments or editions)), and all drafts drawn under the letter of credit shall be presentable at an office in the U.S. United States of a qualified U.S. United States financial institution.
- f) If the letter of credit is made subject to the UCP 600 or ISP98~~ICC Uniform Customs and Practice for Documentary Credits (ICC Publication No. 600, July 2007, 1212 Avenue of the Americas, New York NY 10036 (no later amendments or editions))~~, then the letter of credit shall specifically address and make provision for an extension of time to draw against the letter of credit in the event that one or more of the occurrences specified in Article 36 of UCP~~Publication~~ 600 occur.

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- g) The letter of credit shall be issued or confirmed by a qualified ~~U.S. United States~~ financial institution authorized to issue letters of credit, pursuant to Section 173.1(3)(A) of the Code.
- h) If the letter of credit is issued by a nonqualified financial institution and is confirmed by a qualified ~~U.S. United States~~ financial institution as described in subsection (~~ag~~), then the following additional requirements shall be met:
- 1) The issuing financial institution shall formally designate the confirming qualified ~~U.S. United States~~ financial institution as its agent for the receipt and payment of the drafts; and
  - 2) The "evergreen clause" shall provide for not less than 60 days' notice of nonrenewal prior to the expiration date.
- i) Reinsurance Agreement Provisions:
- 1) The reinsurance agreement in conjunction with which the letter of credit is obtained must contain provisions that:
    - A) Require the assuming insurer to provide letters of credit to the ceding insurer and specify what they are to cover.
    - B) Stipulate that the assuming insurer and ceding insurer agree that the letter of credit provided by the assuming insurer pursuant to the provisions of the reinsurance agreement may be drawn upon at any time, notwithstanding any other provisions in the agreement, and be utilized by the ceding insurer or its successors in interest only for one or more of the following reasons:
      - i) To reimburse the ceding insurer for the assuming insurer's share of premiums returned to the owners of policies reinsured under the reinsurance agreement on account of cancellations of those policies;
      - ii) To reimburse the ceding insurer for the assuming insurer's share of surrenders and benefits or losses paid by the ceding insurer under the terms and provisions of the policies reinsured under the reinsurance agreement;

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- iii) To fund an account with the ceding insurer in an amount at least equal to the deduction, for reinsurance ceded, from the ceding insurer's liabilities for policies ceded under the agreement. The amount shall include, but not be limited to, amounts for policy reserves, claims and losses incurred (including losses incurred but not reported) and unearned premium reserves;
  - iv) To pay any other amounts the ceding insurer claims are due under the reinsurance agreement; and
  - v) To pay existing liabilities between the insurer and the reinsurer upon commutation of one or more reinsurance contracts.
- C) All of the foregoing provisions of this subsection (i)(1) should be applied without diminution because of insolvency on the part of the ceding insurer or assuming insurer.
- 2) Nothing contained in subsection (i)(1) shall preclude the ceding insurer and assuming insurer from providing for:
- A) An interest payment, at a rate not in excess of the prime rate of interest, on the amounts held pursuant to subsection (i)(1)(B)(iii); and/or
  - B) The return of any amounts drawn down on the letters of credit in excess of the actual amounts required under subsection (i)(1)~~for the above~~ or, in the case of subsection (i)(1)(B)(iv), any amounts that are subsequently determined not to be due.
- 3) When a letter of credit is obtained in conjunction with a reinsurance agreement covering risks other than life, annuities and accident and health, when it is customary practice to provide a letter of credit for a specific purpose, then the reinsurance agreement may, in lieu of subsection (i)(1)(B), require that the parties enter into a trust agreement~~"Trust Agreement"~~ that may be incorporated into the reinsurance agreement or be a separate document.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

- j) A letter of credit may not be used to reduce any liability for reinsurance ceded to an unauthorized assuming insurer in financial statements required to be filed with ~~the~~this Department unless an acceptable letter of credit with the filing ceding insurer as beneficiary has been issued on or before the date of filing of the financial statement. Further, the reduction for the letter of credit may be up to the amount available under the letter of credit but no greater than the specific obligation under the reinsurance agreement that the letter of credit was intended to secure.

(Source: Amended at 43 Ill. Reg. 14133, effective November 19, 2019)

**Section 1104.100 Reinsurance Contract**

Credit will not be granted to a ceding insurer for reinsurance effected with assuming insurers meeting the requirements of Section 1104.20, 1104.30, 1104.35, 1104.40, 1104.45 or 1104.60 ~~of this Part~~ or otherwise in compliance with Section 173.1(1) of the Code after January 1, 1996, unless the reinsurance agreement:

- a) Includes a proper insolvency clause pursuant to Section 173.2 of the Code; ~~and~~
- b) Includes a provision pursuant to Section 173.1(1)(E) of the Code under which the assuming insurer, if an unauthorized assuming insurer, has submitted to the jurisdiction of an alternative dispute resolution panel or court of competent jurisdiction within the U.S. ~~United States~~, has agreed to comply with all requirements necessary to give the court or panel jurisdiction, has designated an agent upon whom service of process may be effected, and has agreed to abide by the final decision of the court or panel; and
- c) Includes a proper reinsurance intermediary clause, if applicable, that stipulates that the credit risk for the intermediary is carried by the assuming insurer.

(Source: Amended at 43 Ill. Reg. 14133, effective November 19, 2019)

DEPARTMENT OF INSURANCE

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Section 1104.APPENDIX B Form CR-1 Certificate of Certified Reinsurer

FORM CR-1

CERTIFICATE OF CERTIFIED REINSURER

I, \_\_\_\_\_, \_\_\_\_\_,  
 \_\_\_\_\_ (name of officer) \_\_\_\_\_ (title of officer)  
 of \_\_\_\_\_, the assuming insurer  
 \_\_\_\_\_ (name of assuming insurer)  
 under a reinsurance agreement with one or more insurers domiciled in \_\_\_\_\_,  
 \_\_\_\_\_ (name of state)  
 in order to be considered for approval in this State, hereby certify that \_\_\_\_\_  
 \_\_\_\_\_ ("Assuming Insurer"):  
 \_\_\_\_\_ (name of assuming insurer)

1. Submits to the jurisdiction of any court of competent jurisdiction in \_\_\_\_\_ for the adjudication of any issues arising out of the reinsurance agreement, agrees to comply with all requirements necessary to give such court jurisdiction, and will abide by the final decision of such court or any appellate court in the event of an appeal. Nothing in this paragraph constitutes or should be understood to constitute a waiver of Assuming Insurer's rights to commence an action in any court of competent jurisdiction in the United States, to remove an action to a United States District Court, or to seek a transfer of a case to another court as permitted by the laws of the U.S. or of any state in the U.S. This paragraph is not intended to conflict with or override the obligation of the parties to the reinsurance agreement to arbitrate their disputes if such an obligation is created in the agreement.  
 \_\_\_\_\_ (ceding insurer's state of domicile)
2. Designates the Insurance Commissioner of \_\_\_\_\_ as its lawful attorney upon whom may be served any lawful process in any action, suit or proceeding arising out of the reinsurance agreement instituted by or on behalf of the ceding insurer.  
 \_\_\_\_\_ (ceding insurer's state of domicile)
3. Agrees to provide security in an amount equal to 100% of liabilities attributable to U.S. ceding insurers if it resists enforcement of a final U.S. judgment or properly enforceable

DEPARTMENT OF INSURANCE

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arbitration award.

- 4. Agrees to provide notification to the Illinois Department of Insurance within 10 days after any regulatory actions taken against it, any change in the provisions of its domiciliary license, or any change in its rating by an approved rating agency, including a statement describing the changes and the reasons for the changes.
- 5. Agrees to annually file with the Illinois Department of Insurance information comparable to relevant provisions of the NAIC financial statement for use by insurance markets in accordance with Section 173.1(1)(C-5)(5)(c) and (d) of the Illinois Insurance Code [215 ILCS 5].
- 6. Agrees to annually file with the Illinois Department of Insurance the report of the independent auditor on the financial statements of the insurance enterprise.
- 7. Agrees to annually file with the Illinois Department of Insurance audited financial statements, regulatory filings, and actuarial opinion in accordance with 50 Ill. Adm. Code 1104.45(b)(7)(D).
- 8. Agrees to annually file with the Illinois Department of Insurance an updated list of all disputed and overdue reinsurance claims regarding reinsurance assumed from U.S. domestic ceding insurers.
- 9. Is in good standing as an insurer or reinsurer with the supervisor of its domiciliary jurisdiction.

Dated: \_\_\_\_\_  
(name of assuming insurer)

By: \_\_\_\_\_  
(name of officer)

\_\_\_\_\_  
(title of officer)

(Source: Added at 43 Ill. Reg. 14133, effective November 19, 2019)

## DEPARTMENT OF JUVENILE JUSTICE

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Americans With Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 530
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
530.10	New Section
530.20	New Section
530.30	New Section
530.40	New Section
530.50	New Section
530.60	New Section
530.70	New Section
- 4) Statutory Authority: Implementing the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and authorized by Section 3-10-9 of the Unified Code of Corrections [730 ILCS 5].
- 5) Effective Date of Rules: November 25, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 9215; August 30, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

## DEPARTMENT OF JUVENILE JUSTICE

## NOTICE OF ADOPTED RULES

- 15) Summary and Purpose of Rulemaking: This Part created grievance procedures for the Americans With Disabilities Act for the Department of Juvenile Justice. The federal regulations (28 CFR 35.107) require all State government agencies with at least fifty employees to adopt its own grievance procedure rules. The Department has over fifty employees and as such is required to adopt rules. This new Part outlines how employees of the Department may file a grievance when they allege discrimination has occurred. Specifically, this Part outlines the procedure for filing a grievance, how the designated coordinator proceeds with the initial investigation and how the employee can request a final review by the Director if he or she is unsatisfied with the designated coordinator's decision. Finally, this Part acknowledges all grievances will be considered and resolved on a case-by-case basis given the unique facts and circumstances presented.
- 16) Information and questions regarding these adopted rules shall be directed to:

Lindsay M. Bentivegna  
Policy Staff Attorney  
Department of Juvenile Justice  
2715 W. Monroe St.  
Springfield IL 62704

217/557-1030  
DJJ.Rules@illinois.gov

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

## DEPARTMENT OF JUVENILE JUSTICE

## NOTICE OF ADOPTED RULES

TITLE 4: DISCRIMINATION PROCEDURES  
CHAPTER XVIII: DEPARTMENT OF JUVENILE JUSTICEPART 530  
AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	
530.10	Purposes
530.20	Definitions
530.30	Procedure
530.40	Designated Coordinator Level
530.50	Final Level
530.60	Accessibility
530.70	Case-By-Case Resolution

**AUTHORITY:** Implementing the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and authorized by Section 3-10-9 of the Unified Code of Corrections [730 ILCS 5/3-10-9].

**SOURCE:** Adopted at 43 Ill. Reg. 14163, effective November 25, 2019.

**Section 530.10 Purpose**

- a) This grievance procedure is established pursuant to the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) (ADA) and specifically Section 35.107 of the Title II regulations, 28 CFR 35, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator.
- b) In general, the ADA requires that each program, service and activity offered by the Department of Juvenile Justice, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Department to foster open communication with all individuals requesting readily accessible programs, services and activities. The Department encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

## DEPARTMENT OF JUVENILE JUSTICE

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**Section 530.20 Definitions**

"Act" or "ADA" means the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.).

"Complainant" is an individual with a disability who files a Grievance Form provided by the Agency under this procedure.

"Department" means the Department of Juvenile Justice.

"Designated Coordinator" is the person appointed by the Director who is responsible for the coordination of efforts of the Department to comply with and carry out its responsibilities under Title II of the ADA, including investigation of grievances filed by complainants. The Designated Coordinator may be contacted at 2715 West Monroe Street, Springfield IL 62704. (See 28 CFR 35.107.)

"Director" means the Director of the Department of Juvenile Justice.

"Disabilities" shall have the meaning set forth in the Americans With Disabilities Act.

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

"Grievance Form" is prescribed for the purpose of filing a grievance under this Part and includes information such as name, address, phone number, and nature of the grievance, with specificity, including date, time and place of the incident and witnesses if applicable.

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

## DEPARTMENT OF JUVENILE JUSTICE

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**Section 530.30 Procedure**

- a) Grievances must be submitted in accordance with procedures established in Sections 530.40 and 530.50. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement, in writing, by the complainant and the reviewer at the Designated Coordinator Level and/or the Final Levels described in Section 530.50.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the last response from the Department given in the grievance procedure.
- c) The Designated Coordinator shall, upon being informed of the individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and the Grievance Form.

**Section 530.40 Designated Coordinator Level**

- a) If an individual desires to file a grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive proper consideration by the Designated Coordinator.
- b) Upon request, assistance in completing the Grievance Form shall be provided by the Department.
- c) The Designated Coordinator, or his/her representative, shall investigate the grievance and, if the grievance is found to be valid, shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the complainant and the Director within 15 business days after receipt of the Grievance Form.

**Section 530.50 Final Level**

## DEPARTMENT OF JUVENILE JUSTICE

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- a) If the grievance is not resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Director for final review. The complainant shall submit these documents to the Director, together with a short written statement explaining the reasons for dissatisfaction with the Designated Coordinator's written response, within 15 business days after receipt by the complainant of the Designated Coordinator's response.
- b) Within 15 days, the Director shall appoint a three-member panel to review the grievance at the Final Level. One member shall be the designated chairman. The panel shall schedule a review of the grievance, which shall commence no later than 15 business days after the last member of the panel is appointed.
- c) Complainant shall be afforded an opportunity to appear before the panel. Complainant shall have the right to appoint a representative to appear on his or her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
- d) Upon agreement of at least two of the panel members, but not later than 15 business days after the review described in subsection (b), the panel shall make recommendations in writing to the Director as to the proper resolution of the grievance. All recommendations shall include reasons for the recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Director in writing and shall sign that recommendation.
- e) Within 15 business days after receipt of recommendations from a panel, the Director or designee shall approve, disapprove or modify the panel recommendations; shall render a decision on those recommendations in writing; shall state the basis for his or her decision; and shall cause a copy of the decision to be served on the parties. The Director's decision shall be final. If the Director disapproves or modifies the panel's recommendations, the Director may include written reasons for that disapproval or modification.
- f) The Grievance Form, the Designated Coordinator's response, the statement of reasons for dissatisfaction, the recommendations of the panel, and the decision of the Director shall be maintained in accordance with the State Records Act [5 ILCS 160] or as otherwise required by law.

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**Section 530.60 Accessibility**

The Department shall ensure that all stages of the grievance procedure are readily accessible to and usable by individuals with disabilities.

**Section 530.70 Case-By-Case Resolution**

Each grievance involves a unique set of factors that includes, but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and whether an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Department. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

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- 1) Heading of the Part: School District #428
- 2) Code Citation: 20 Ill. Adm. Code 2405
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2405.10	Amendment
2405.15	Amendment
2405.17	Amendment
2405.20	Amendment
2405.30	Amendment
2405.50	Repealed
2405.60	Amendment
2405.80	Repealed
- 4) Statutory Authority: Implementing Sections 3-2.5-20, 3-6-2, 3-6-3, 3-9-1, 3-10-2, 3-10-3 and 3-12-3 of the Unified Code of Corrections [730 ILCS 5] and Sections 13-40 through 13-45 of the Illinois School Code [105 ILCS 5] and authorized by Sections 3-2.5-20 and 3-7-1 of the Unified Code of Corrections.
- 5) Effective Date of Rules: November 25, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 8964; August 23, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested.
- 13) Will this rulemaking replace an emergency rule currently in effect? No

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- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking removes references to the Department of Corrections to reflect that the Department is a stand-alone agency. Additionally, changes are being made to reflect current School District #428 practices. Specifically, references to adult education are being removed as adult education and adult education programing are under the purview of the Department of Corrections. To that end, Section 2405.50 (Adult Basic Education Attendance) is being repealed. References to vocational education are being changed to career and technical education. References to committed persons are being updated to committed youth to more accurately reflect the Department's population. Section 2405.80 (Educational Reimbursement) is being repealed because the Department does not seek reimbursement. Finally, technical changes are being made to align this Part to current administrative code style.
- 16) Information and questions regarding these adopted rules shall be directed to:

Lindsay M. Bentivegna  
Policy Staff Attorney  
Department of Juvenile Justice  
2715 W. Monroe St.  
Springfield IL 62704

217/557-1030  
DJJ.Rules@illinois.gov

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

## DEPARTMENT OF JUVENILE JUSTICE

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER IX: DEPARTMENT OF JUVENILE JUSTICE  
SUBCHAPTER c: PROGRAMS AND SERVICESPART 2405  
SCHOOL DISTRICT #428

## Section

2405.10	Applicability
2405.15	Responsibilities
2405.17	Definitions
2405.20	<del>Adult and</del> Juvenile Educational Programs
2405.30	Assistance to Aftercare Services Division
2405.50	Adult Basic Education Attendance ( <del>Repealed</del> )
2405.60	Juvenile Educational Attendance
2405.70	Suspension of Programs
2405.80	Educational Reimbursement ( <del>Repealed</del> )

**AUTHORITY:** Implementing Sections 3-2.5-20, 3-6-2, 3-6-3, 3-9-1, 3-10-2, 3-10-3 and 3-12-3 of the Unified Code of Corrections [730 ILCS 5/3-2.5-20, 3-6-2, 3-6-3, 3-9-1, 3-10-2, 3-10-3 and 3-12-3] and Sections 13-40 through 13-45 of the Illinois School Code [105 ILCS 5/13-40 through 13-45] and authorized by Sections 3-2.5-20 and 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2.5-20 and 3-7-1].

**SOURCE:** Adopted at 8 Ill. Reg. 14624, effective August 1, 1984; amended at 11 Ill. Reg. 2742, effective February 1, 1987; emergency amendment at 14 Ill. Reg. 19389, effective December 1, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 5642, effective April 15, 1991; amended at 16 Ill. Reg. 10449, effective July 1, 1992; emergency amendment at 17 Ill. Reg. 16227, effective September 17, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2970, effective February 14, 1994; emergency amendment at 21 Ill. Reg. 647, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5916, effective May 1, 1997; the policies embodied in this Part transferred to the Department of Juvenile Justice pursuant to Section 3-2.5-50 of the Unified Code of Corrections on June 1, 2006 and codified at 38 Ill. Reg. 16430; amended at 43 Ill. Reg. 14170, effective November 25, 2019.

**Section 2405.10 Applicability**

This Part applies to all Divisions of the Department of Juvenile Justice ~~and the Department of Corrections.~~

## DEPARTMENT OF JUVENILE JUSTICE

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(Source: Amended at 43 Ill. Reg. 14170, effective November 25, 2019)

**Section 2405.15 Responsibilities**

- a) Unless otherwise specified, the Director, Chief Administrative Officer, Superintendent, or ~~Principal Educational Administrator~~ may delegate responsibilities stated in this Part to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a rule in this Part specifically states the Director, Chief Administrative Officer, Superintendent, or ~~Principal Educational Administrator~~ shall personally perform the duties. However, the Director, Chief Administrative Officer, Superintendent, or ~~Principal Educational Administrator~~ may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Amended at 43 Ill. Reg. 14170, effective November 25, 2019)

**Section 2405.17 Definitions**

"Achievement test" means a nationally normed instrument, which has been approved by the Superintendent of School District #428, that measures an individual's educational grade level.

"Associate level courses" means academic and ~~CTE vocational~~ courses that are approved by a college or university as meeting the requirements for an award of an Associate's Degree.

"Baccalaureate level courses" means academic and ~~CTE vocational~~ courses that are approved by a college or university as meeting the requirements for an award of a Bachelor's Degree.

"Billable course work" means course work in which the committed ~~youth person~~ is enrolled, or that begins on or after January 1, 1997 while ~~in custody, incarcerated~~ that is necessary for a degree.

"Chief Administrative Officer" means the highest ranking official of a

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~~Department youth center or Department of Corrections correctional facility.~~

"CTE" means career and technical education.

"Degree" means an academic title awarded by a college or university upon the completion of an approved course of study. Types of degrees awarded are associate's, bachelor's, etc.

"Diploma" means an academic title awarded by School District #428 upon the completion of an approved course of study. Types of diplomas awarded are eighth grade, high school, special education and the General Education Development (GED) Certificate.

"Department" means the Department of Juvenile Justice.

"Director" means the Director of the Department of Juvenile Justice.

"Educational programs" means courses of academic and ~~CTE~~vocational instruction offered to ~~persons~~ committed ~~youth to the Department~~ or persons 21 or under who have not yet earned a high school diploma or ~~General Educational Development (GED) certificate committed to the Department of Corrections~~ as approved by School District #428; or courses of academic and ~~CTE~~vocational instruction offered in the free community; or ~~CTE~~vocational work training programs offered by the Department or outside resources.

"Full-time student" means a committed ~~youth~~person who is enrolled in an educational program that has classes that are normally scheduled to meet a minimum of 15 hours a week; or a committed ~~youth~~person who is enrolled in college academics for a minimum of six credit hours per module or 12 credit hours per semester.

~~"Higher level courses" means academic courses that are approved by a college or university as meeting the requirements for an award of any degrees beyond the Bachelor's Degree.~~

"90 instructional day program" means a period of 90 days of remedial education, excluding days of absence or days in which no instruction was offered.

"Instructional day" means a day in which instruction is provided.

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"Sexually dangerous person" means any person as defined in Section 1.01 of the Sexually Dangerous Persons Act [725 ILCS 205/1.01].

"Superintendent" means the Superintendent of the Department of Juvenile Justice School District #428.

"Technical violator" means a committed ~~youthperson~~ who has been returned to a ~~youth center~~~~Department facility~~ due to a violation of the conditions of his or her parole, aftercare release, or mandatory supervised release, but does not include a committed ~~youthperson~~ who has been ~~adjudicated~~~~convicted~~ of a new offense.

"Unified Code of Corrections" means 730 ILCS 5.

"Working days" means Monday through Friday, excluding State holidays.

(Source: Amended at 43 Ill. Reg. 14170, effective November 25, 2019)

**Section 2405.20 ~~Adult and~~ Juvenile Educational Programs**

- a) The opportunity for educational programs shall be available in the Department and ~~Department of Corrections~~ through the Department of Juvenile Justice School District #428. Nothing in this Part shall be construed to require educational opportunities for all committed persons, except as otherwise provided in Section 2405.60 or in Sections 3-6-2 and 3-9-1 of the Unified Code of Corrections ~~[730 ILCS 5/3-6-2 and 3-9-1]. 1) Department of Corrections educational programs shall include: A) Adult basic education and General Educational Development (GED) training; B) Special education; C) Vocational education and career counseling; and D) Post secondary education, where possible. 2) Department of Juvenile Justice educational programs shall include:~~

~~1)A)~~ Basic education and GED;

~~2)B)~~ High school credits;

~~3)C)~~ Special education;

~~4)D)~~ CTE~~Vocational education~~; and

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- ~~5)E)~~ Post-secondary education, when~~where~~ possible.
- b) Committed youth~~persons~~ shall be assessed upon being received in the Department to determine academic abilities, upon request, be considered for enrollment in an educational program for which they are eligible or placement on the waiting list for the program if one exists.
- c) In determining the most appropriate~~eligibility for enrollment in~~ educational programs, the Department shall consider, among other factors, the committed youth~~person's~~ composite scores on achievement tests, the safety and security of the facility or any person, staff recommendations, requirements for admission to specific programs, administrative concerns, and the committed youth~~person's~~ institutional behavior, disciplinary record, educational record and, projected release date, ~~and medical and mental health status.~~
- d) ~~In the Department of Corrections correctional facilities, committed persons age 21 or under who have not earned a high school diploma or General Educational Development (GED) certificate may be eligible to enroll in:~~
- ~~1) Adult Basic Education if they test below the 8.0 grade level.~~
  - ~~2) GED training if they test at the 8.0 grade level or above and they do not have a verified GED certificate or a High School diploma.~~
  - ~~3) Special education regardless of test scores.~~
  - ~~4) School District #428 vocational education regardless of test scores.~~
  - ~~5) College vocational programs if they have a verified GED certificate or High School diploma or as otherwise approved in writing by the Superintendent.~~
- de) In ~~Department~~ youth centers, committed youth~~persons~~ may be eligible to enroll in:
- 1) Basic Education if they test below the eighth~~8.0~~ grade level.
  - 2) GED training if they test at the eighth~~8.0~~ grade level or above and they do not have a verified GED certificate, Special Education diploma, or High

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~~School~~ diploma.

- 3) High School credits if they test at the ~~eighth~~<sup>8.0</sup> grade level or above and they do not have a verified ~~GED certificate, Special Education Diploma, or High School~~ diploma.
  - 4) Special Education regardless of test scores.
  - 5) School District #428 ~~CTE~~<sup>vocational education</sup> if they test at the ~~third~~<sup>3.0</sup> grade level or above.
  - 6) College ~~CTE~~<sup>vocational</sup> programs if they have a verified ~~GED certificate, Special Education diploma, or High School~~ diploma or as otherwise approved in writing by the Superintendent.
  - 7) Two-year college academic programs (~~associate level courses~~) if they have a verified ~~GED certificate, Special Education diploma, or High School~~ diploma.
  - 8) Four-year college or university academic programs (Bachelor's level courses) if they have a verified diploma.
- f) Committed ~~youthpersons~~ shall be required to attend and actively participate in classes for which they are enrolled and shall be subject to discipline under 20 Ill. Adm. Code 2504 (Discipline and Grievances), unless absent due to verified illnesses, approved visits, court writs, furloughs, discipline, lockdowns, or other reasons approved by the Chief Administrative Officer. Active participation shall mean, but shall not be limited to, instances in which the committed ~~youthperson~~ is attentive, responsive, and cooperative and completes assigned work.
- g) Committed ~~youthpersons~~ shall adhere to attendance requirements of the educational program in which they are enrolled:
- 1) Committed ~~youthpersons~~ enrolled in non-college academic programs in ~~Department~~ youth centers ~~and the Department of Corrections correctional facilities~~ shall be required to attend and to actively participate in the number of instructional days specified to complete the program and shall not be absent from the program or shall not be documented as not actively participating in the program for more than 30 instructional days, not

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including days absent due to lockdowns.

- 2) ~~YouthPersons~~ committed in the Aftercare Services Division and committed ~~youthpersons~~ enrolled in college academic courses shall attend scheduled classes and shall not be absent more than allowed under the requirements of the educational provider or the correctional facility policy. Committed ~~youthpersons~~ shall be advised of the specific requirements of the program in which they are enrolled.
- h) Committed ~~youthpersons~~ may be removed from educational programs due to:
  - 1) Disciplinary action;:-
  - 2) Failure to adhere to attendance requirements;:-
  - 3) Administrative reasons approved by the ~~PrincipalEducational Administrator~~ or the Chief Administrative Officer, including, but not limited to, disruptive behavior, lack of active participation, termination or suspension of the program, and safety and security reasons; ~~or~~:-
  - 4) The committed ~~youth'sperson's~~ transfer to another facility or program.

(Source: Amended at 43 Ill. Reg. 14170, effective November 25, 2019)

**Section 2405.30 Assistance to Aftercare Services Division**

Financial counseling and technical assistance in securing remedial education, ~~GED-G.E.D.~~ training, special education, ~~CTEvocational~~ training and post-secondary education may be provided by the Department of Juvenile Justice School District #428 to committed ~~youthpersons~~ of the Aftercare Services Division.

(Source: Amended at 43 Ill. Reg. 14170, effective November 25, 2019)

**Section 2405.50 Adult Basic Education Attendance (Repealed)**

- a) ~~All persons committed to the Department of Corrections on or after January 1, 1987 whose period of incarceration is at least two years or more or who have been committed as sexually dangerous persons shall be required to receive a composite achievement test score of 6.0 or greater in reading and mathematics or attend a~~

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~~minimum of 90 instructional days in an Adult Basic Education program for reading and mathematics, except those person's identified in subsection (b) of this Section.~~

- b) ~~The requirements in this Section do not apply to:~~
- ~~1) Those persons serving life or death penalty sentences;~~
  - ~~2) Other persons who are specifically exempted from this requirement by the Chief Administrative Officer of the facility where the committed person is assigned and the Superintendent based on, but not limited to, security or health reasons, the facility's inability to meet the committed person's unique educational needs, or the facility's inability to provide or complete instruction in the time remaining prior to the committed person's release or discharge date;~~
  - ~~3) Those persons who, upon completion of 45 instructional days, have received the required composite achievement test score; or~~
  - ~~4) Technical violators who have previously completed the 90 instructional day program and who received the required composite achievement test score upon completion of the program.~~
- e) ~~Credit for class attendance shall only be given by the Educational Administrator for those days in which the committed person actively participates in the program in accordance with Section 2405.20(f).~~
- d) ~~Where a committed person's 90 instructional day program has been terminated due to excessive absenteeism in accordance with Section 2405.20(g) and (h), the 90 instructional day program shall recommence with no credit given for days previously attended.~~
- e) ~~When a committed person is transferred to another facility prior to completion of the program, a record of the person's attendance shall be submitted to the receiving facility. His program shall be continued at the receiving facility, whenever feasible, upon enrollment in the program or the committed person shall be placed on a waiting list if one exists, unless the committed person is no longer required to participate in the program in accordance with subsection (b) of this Section.~~

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- f) ~~Refusal by any committed person to attend the Adult Basic Education program required by this Section shall constitute grounds for disciplinary action in accordance with 20 Ill. Adm. Code 504.Subpart A.~~
- g) ~~Upon completion of the 90 instructional day program, the committed person shall be retested, and if the required composite achievement test score is not received, the person shall be encouraged, but not required, to remain in an educational program.~~
- h) ~~Committed persons subject to the provisions of this Section who have not attained the required achievement level shall not be eligible for any job assignment pay that exceeds the level of pay received for attendance in the Adult Basic Education program, unless an exemption is granted by the Chief Administrative Officer and the Superintendent due to the committed person's educational handicap, documented by his educational records, which would preclude any reasonable expectation that the committed person could attain the required achievement level; the projected length of time the committed person may have to wait prior to enrollment in the Adult Basic Education Program; or the reasons provided in subsection (b) of this Section; or as otherwise approved by the Department.~~
- i) ~~The Department may conduct pilot programs to determine the value and feasibility of implementing increased educational requirements of committed persons. All provisions of this Section shall apply to pilot programs, except the Department may increase the educational achievement level and attendance requirements.~~
- 1) ~~Committed persons affected by the pilot program shall be informed in writing of the educational achievement level and attendance requirements of the program.~~
- 2) ~~The requirements of a pilot program shall apply to all committed persons who are assigned to a facility designated for the pilot program, except for those persons:~~
- A) ~~Specified in subsection (b) of this Section;~~
- B) ~~Who have previously completed the Adult Basic Education Program required by this Section, regardless of the educational~~

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~~level achieved; or~~

- ~~C) Who were enrolled and attending the required Adult Basic Education program at the facility prior to commencement of the pilot program, provided they continue through completion of the program.~~

(Source: Repealed at 43 Ill. Reg. 14170, effective November 25, 2019)

**Section 2405.60 Juvenile Educational Attendance**

- a) ~~All persons committed youth to a Department youth center who have not received a diploma their High School diploma, Special Education diploma, or GED certificate shall be required to participate in an educational program, unless specifically exempted by the Chief Administrative Officer and the Superintendent. The exemption shall be based on, but not limited to, health, safety or security reasons, and resources available.~~
- b) ~~The extent and length of the educational program shall be based, among other factors, upon the needs and characteristics of the committed youth person, resources available, availability of programs, administrative concerns, and safety and security of the youth center or any person.~~

(Source: Amended at 43 Ill. Reg. 14170, effective November 25, 2019)

**Section 2405.80 Educational Reimbursement (Repealed)**

- a) ~~Effective January 1, 1997, committed persons who participate in educational programs provided through the Department and who are either awarded or complete the necessary course work required to earn a degree through these programs shall be required to reimburse the Department for the cost incurred for all billable course work.~~
- b) ~~Each fiscal year, the Department shall determine the cost of courses that meet the requirements for the award of a degree. Committed persons shall be informed of the fees by posted notices, warden's bulletins, handbooks, or another similar manner.~~
- e) ~~Per credit hour fees shall be determined for associate level courses, baccalaureate~~

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~~level courses, and vocational courses.~~

- ~~1) To determine fees for academic courses such as associate or baccalaureate level courses, divide the statewide educational contracts cost for the appropriate level courses using the latest fiscal year for which all final expenditures are known by the average number of credit hours for that fiscal year. Divide that sum by the average number of students per course.~~
- ~~2) To determine fees for vocational courses, divide the statewide vocational contracts cost using the latest fiscal year for which all final expenditures are known by the average number of vocational credit hours. Divide that sum by the average number of students per course.~~
- ~~d) Reimbursement shall be required for any billable course work either:
  - ~~1) Upon the award of a degree; or~~
  - ~~2) Upon accumulation of the course work required to be eligible for the award of a degree.~~~~
- ~~e) To reimburse the Department, the committed person may:
  - ~~1) Submit full payment for the educational cost;~~
  - ~~2) Authorize a monthly payment to be deducted from his or her trust fund account; or~~
  - ~~3) Make alternative payment arrangements.~~~~
- ~~f) Where a committed person who has an outstanding educational reimbursement balance is discharged or placed on parole, aftercare release or mandatory supervised release, interest at the rate of six percent per annum shall be assessed on any unpaid balance until the account is paid in full. No interest shall be assessed or accrued while the committed person is incarcerated.~~

(Source: Repealed at 43 Ill. Reg. 14170, effective November 25, 2019)

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- 1) Heading of the Part: Chaplaincy Services and Religious Practices
- 2) Code Citation: 20 Ill. Adm. Code 2425
- 3) 

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
2425.12	Amendment
2425.15	Amendment
2425.20	Amendment
2425.30	Repealed
2425.40	Amendment
2425.50	Amendment
2425.60	Amendment
2425.70	Amendment
2425.80	Amendment
2425.90	Amendment
2425.100	Amendment
2425.110	Amendment
- 4) Statutory Authority: 730 ILCS 5/3-7-2 and 3-7-1
- 5) Effective Date of Rules: November 25, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 43 Ill. Reg. 8977; August 23, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: At First Notice, subsection 2425.50(f) was amended to clarify while committed youth are prohibited from assuming a position of authority or leadership over other committed youth, they may actively participate in religious activities if volunteers or chaplains of a particular faith are unavailable. At Second Notice, it was agreed that subsection 2425.100(b)(6) would be amended to clarify the required documentation is in subsection 2425.50(g).

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- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking updates the Department's standards for chaplaincy services and religious practices. The provision allowing committed youth to attend only religious activities for his or her designated religion or non-denominational activities is being removed. This removal will allow a committed youth who is interested in exploring another faith to so. The youth center chaplain will determine if a youth can attend a religious activity other than his or her designated faith based on factors such as security, safety, rehabilitation, intuitional order, space and resources. Section 2425.30 (Religious Advisory Board) is being repealed. The Director of the Department or his or her designee will confer with religious leaders or faith representatives on the issues the Religious Advisory Board reviewed. Issues include religious grievances; requests for religious diets, non-traditional religious symbols, headgear, clothing and other religious items; requests for religious activities not currently offered at the youth center; request for relief from work assignment or institutional program for a specific religious purpose; and issues involving training, screening and reimbursement of religious volunteers. The conditions that must be satisfied for permitted religious activities when volunteers or chaplains of a particular faith are unavailable are updated to include attempts to locate services were made and were turned down or not approved. Other changes are being made to align this Part with the current Administrative Code style.
- 16) Information and questions regarding these adopted rules shall be directed to:

Lindsay M. Bentivegna  
Policy Staff Attorney  
Department of Juvenile Justice  
2715 W. Monroe St.  
Springfield IL 62704

217/557-1030  
DJJ.Rules@illinois.gov

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

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER IX: DEPARTMENT OF JUVENILE JUSTICE  
SUBCHAPTER c: PROGRAMS AND SERVICESPART 2425  
CHAPLAINCY SERVICES AND RELIGIOUS PRACTICES

## Section

2425.12	Definitions
2425.15	Responsibilities
2425.20	Accommodation of Religious Beliefs
2425.30	Religious Practice Advisory Board ( <a href="#">Repealed</a> )
2425.40	Chaplains and Religious Program Volunteers
2425.50	Religious Activities
2425.60	Accommodation of Religious Diets
2425.70	Religious Publications and Recordings
2425.80	Religious Items
2425.90	Institutional Work and Program Assignments
2425.100	Requests for Religious Accommodations
2425.110	Religious Grievances

**AUTHORITY:** Implementing Section 3-7-2 and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-7-2 and 3-7-1].

**SOURCE:** Adopted at 8 Ill. Reg. 14398, effective August 1, 1984; amended at 19 Ill. Reg. 6515, effective May 1, 1995; the policies embodied in this Part transferred to the Department of Juvenile Justice pursuant to Section 3-2.5-50 of the Unified Code of Corrections on June 1, 2006 and codified at 38 Ill. Reg. 16434; amended at 43 Ill. Reg. 14183, effective November 25, 2019.

**Section 2425.12 Definitions**

"Chaplain" means an individual who is commissioned, licensed, ordained, or endorsed as required by the individual's religious faith and with whom the facility has employed or contracted to conduct religious activities within a youth center.

"Chief Administrative Officer" means the highest ranking official of a youth center.

"Department" means the Department of Juvenile Justice.

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"Director" means the Director of the Department of Juvenile Justice.

"Faith representative" means a religious program volunteer who is commissioned, licensed, ordained, endorsed, or otherwise accepted as a religious authority by the individual's religious faith.

"Religious activity" includes religious services, prayers, rituals, ceremonies, celebrations, study groups, and meetings.

"Religious leader" means a member of the community who is commissioned, licensed, ordained, endorsed or otherwise accepted as a religious authority by the individual's religious faith.

"Religious program volunteer" means a member of the community who is recognized by a faith group and who has been approved by the [youth centerfacility](#) in accordance with 20 Ill. Adm. Code 2435 ([Volunteer Services](#)) to conduct specific religious activities on a volunteer basis.

(Source: Amended at 43 Ill. Reg. 14183, effective November 25, 2019)

**Section 2425.15 Responsibilities**

- a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Part to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Part specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of [his or her](#)~~their~~ temporary absence or in an emergency.

(Source: Amended at 43 Ill. Reg. 14183, effective November 25, 2019)

**Section 2425.20 Accommodation of Religious Beliefs**

- a) Committed youth shall be provided reasonable opportunities to pursue their religious beliefs and practices subject to concerns regarding security, safety,

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rehabilitation, institutional order, space, and resources.

- b) Participation in or attendance at religious activities shall be voluntary.
- c) Committed youth shall not pressure or coerce other persons to join or participate in the activities of a particular religion.
- d) Committed youth shall not engage in religious activities ~~that which~~ may encourage violence against others or are likely to disrupt institutional safety or operations.
- e) Committed youth shall be requested to designate their religious affiliation during the orientation process. ~~Designation~~~~Such designation~~ of religious affiliation does not constitute endorsement or recognition of that religion by the Department.
- ~~f) Committed youth may only attend the religious activities of their designated religion or non-denominational religious activities, except as provided in subsection (g) of this Section pursuant to Section 2425.50.~~
- ~~fg) A committed youth's attendance at a religious activity other than his or her designated faith shall~~ Committed youth requesting to attend a religious activity of a faith other than their designated faith shall submit their written request to the youth center chaplain who will determine whether their attendance at the activity can be accommodated unless the youth center chaplain determines that the request is not operationally feasible due to~~based on~~ factors such as security, safety, rehabilitation, institutional order, space, and resources.
- ~~gh) Committed youth desiring to designate their religious affiliation after the orientation process or to change their designated religious affiliation shall submit the written request to the youth center chaplain. The youth center chaplain may refuse to change the affiliation if it is determined that the change is being requested for other than religious reasons. This determination may be based, among other matters, on the frequency of changes or a pattern of changing religious affiliation prior to a particular faith group's scheduled holiday or celebration.~~

(Source: Amended at 43 Ill. Reg. 14183, effective November 25, 2019)

**Section 2425.30 Religious Practice Advisory Board (Repealed)**

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- a) ~~The Director shall appoint a multi-denominational Religious Practice Advisory Board comprised of legal, administrative, and chaplaincy staff. One of the members of the Board shall be designated as chairperson.~~
- b) ~~The Board shall, among other matters:~~
  - 1) ~~Provide guidance to the Department regarding religious activities.~~
  - 2) ~~Review and make recommendations regarding designated:~~
    - A) ~~Religious grievances filed by committed youth;~~
    - B) ~~Requests from committed youth for religious diets, non-traditional religious symbols, headgear, clothing, and other religious items;~~
    - C) ~~Requests from committed youth for religious activities not currently offered at the youth center and for religious activities permitted under Section 2425.50(f);~~
    - D) ~~Requests from committed youth for relief from a work assignment or institutional program for specific religious reasons; and~~
    - E) ~~Issues involving the training, screening, and reimbursement of religious volunteers.~~
- e) ~~The Board shall confer with religious leaders or faith representatives from various faith groups regarding the validity and legitimacy of the religious request and the sincerity of the committed youth's beliefs, as the Board determines necessary.~~

(Source: Repealed at 43 Ill. Reg. 14183, effective November 25, 2019)

**Section 2425.40 Chaplains and Religious Program Volunteers**

- a) The Department may utilize chaplains and religious program volunteers on a full-time or part-time basis.
- b) Religious program volunteers who provide religious activities to committed youth shall not normally be reimbursed for travel expenses. However, the Chief Administrative Officer may approve reimbursement for travel expenses, not to

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exceed the reimbursement rate applicable to State employees. In determining whether to approve reimbursement, the Chief Administrative Officer shall consider the recommendation of the ~~Director~~Religious Practice Advisory Board as well as factors such as: distance traveled, number of hours at the facility, frequency of visits, fiscal resources, availability of other volunteers of that faith, and whether religious program volunteers of religious groups of comparable size have been compensated for travel of a similar nature.

(Source: Amended at 43 Ill. Reg. 14183, effective November 25, 2019)

**Section 2425.50 Religious Activities**

- a) The Director or his or her designee shall confer with religious leaders or faith representatives on matters including, but not limited to, the following:
- 1) Religious grievances filed by committed youth;
  - 2) Requests from committed youth for religious diets, non-traditional religious symbols, headgear, clothing and other religious items;
  - 3) Requests from committed youth for religious activities not currently offered at the youth center and for religious activities permitted under subsection (f);
  - 4) Requests from committed youth for relief from a work assignment or institutional program for specific religious reasons; and
  - 5) Issues involving training, screening and reimbursement of religious volunteers.
- b) Religious activities approved by the Chief Administrative Officer shall be conducted or supervised by a chaplain or religious program volunteer.
- ~~c~~b) The Chief Administrative Officer, after consultation with the youth center chaplain, shall regulate the time, place, and ~~way~~manner in which religious activities are conducted. The Chief Administrative Officer may limit, restrict, discontinue, or deny a religious activity based upon concerns regarding security, safety, rehabilitation, institutional order, space, or resources.

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- de) Nothing in this Part shall require the provision of group religious activities to committed youth in reception and classification centers, confinement areas or specialized housing units within the youth center, such as the hospital.
- ed) Nothing in this Part shall require the Department to provide each separate religious group or sects within a group with a chaplain or with separate religious activities regardless of the size of the religious group or the extent of the demand for the activities.
- fe) Committed youth shall be prohibited from assuming a position of authority or leadership over other committed youth. This does not preclude committed youth from actively participating in religious activities in accordance with subsection (g).
- gf) Religious activities for which religious program volunteers or chaplains of that particular faith are unavailable on a permanent or protracted basis may be permitted if the following conditions are satisfied:
- 1) Attempts to locate and secure the services of religious leaders or faith representatives from the community were made but those persons either refused or were not approved to conduct religious activities~~The committed youth submit written verification to the youth center chaplain that they attempted to locate and secure the services of religious leaders or faith representatives from the community and that such persons refused or were not approved to conduct religious activities;~~
  - 2) Security, program, or chaplaincy staff are available to attend and supervise the religious activity;
  - 3) Written verification that attendance at existing religious activities does not satisfy the recognized tenets of the committed youth's~~their~~ faith is received;
  - 4) Written agreement by a chaplain, faith representative, or recognized religious leader of that faith group to provide general oversight and guidance of the religious activity is received;
  - 5) The Director~~Religious Practice Advisory Board~~ recommends approval; and

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- 6) The committed youth submits a copy of any proposed sermon or doctrinal interpretation to the Chief Administrative Officer or staff designated to supervise the religious activity for review and approval prior to delivery, based on safety and security concerns.
- hg) The staff supervisor may call upon various committed youth to guide portions of the religious activity subject to safety and security concerns.
- ih) Religious activities defined under subsection (~~gf~~) of this Section shall be prohibited ~~when~~where based solely on the temporary or occasional unavailability of a chaplain or a religious program volunteer.
- ji) The Chief Administrative Officer may limit, restrict, or discontinue religious activities permitted under subsection (~~gf~~) of this Section based upon concerns such as security, safety, rehabilitation, institutional order, space, or resources and may require periodic rotation of committed youth permitted to guide portions of religious activities.

(Source: Amended at 43 Ill. Reg. 14183, effective November 25, 2019)

**Section 2425.60 Accommodation of Religious Diets**

- a) Committed youth shall be permitted to abstain from any foods the consumption of which violates their required religious tenets.
- b) Any foods ~~that~~which contain pork or pork by-products shall be identified in accordance with 20 Ill. Adm. Code 2502.20 (Menus).
- c) A committed youth may submit a written request to the facility chaplain to receive an alternative diet for specific religious reasons. The request must contain written verification that the committed youth is a member of a faith group that requires adherence to a particular diet and the specific requirements of the diet. Eligibility to receive an alternative diet for specific religious reasons shall be determined by the youth center chaplain who shall ordinarily confer with a religious leader or faith representative of the faith group at issue. The youth center chaplain and the religious leader or faith representative may interview the committed youth.

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- d) A committed youth requesting a dietary modification required by a specific religious holiday or ceremony must submit a written request to the youth center chaplain 45 calendar days before the holiday or ceremony. The request must contain verification that the committed youth is a member of a faith group requiring the dietary modification and the specific requirements of the dietary modification. Eligibility to receive an alternative diet for a specific religious holiday or ceremony shall be determined by the youth center chaplain who shall ordinarily confer with a religious leader or faith representative of the faith group at issue. The youth center chaplain and religious leader or faith representative may interview the committed youth.
- e) A committed youth who does not adhere to the alternative diet shall no longer receive the alternative diet, unless otherwise approved by the Chief Administrative Officer.

(Source: Amended at 43 Ill. Reg. 14183, effective November 25, 2019)

**Section 2425.70 Religious Publications and Recordings**

- a) Committed youth may obtain religious publications or recordings in accordance with this Part and Departmental Rules governing purchasing, incoming mail, publications, and personal property (see [20 Ill. Adm. Code 2305 \(Funds of Committed Youth\)](#), [20 Ill. Adm. Code 2205, 2525 \(Rights and Privileges\)](#), and [2535 \(Personal Property\)](#)) or through donations distributed by the chaplain.
- b) Religious publications shall be submitted to the Publication Review Committee for review pursuant to 20 Ill. Adm. Code 2525: Subpart C. The Publication Review Committee may confer with the chaplain.
- c) Committed youth shall be permitted to receive or possess commercially made religious audio [recordingseassettes](#), sealed in cellophane or similar material, that are not available through the commissary and are sent directly from a manufacturer, retailer, or distributor. Committed youth shall also be permitted to receive or possess religious audio [recordingseassettes](#) directly from religious organizations. The Chief Administrative Officer or chaplain may review and deny ~~such~~ audio [recordingseassettes](#) if they are deemed to pose a threat to the safety or security of the institution. If ~~thesuch~~ audio [recordingseassettes](#) are denied, they shall be submitted to the [Director](#) ~~Religious Practice Advisory Board~~ for review.

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(Source: Amended at 43 Ill. Reg. 14183, effective November 25, 2019)

**Section 2425.80 Religious Items**

- a) Committed youth may obtain religious symbols, clothing, and other items in accordance with this Part and Departmental ~~rules~~Rules governing purchasing, incoming mail, and personal property (see 20 Ill. Adm. Code 2305 (Funds of Committed Youth)~~20 Ill. Adm. Code 2205~~, 2525 (Rights and Privileges), and 2535 (Personal Property)) or through the chaplain.
- b) Committed youth shall be permitted to have up to two traditionally accepted religious symbols or religious symbols ~~that~~which have been authorized by the ~~Director~~Religious Practice Advisory Board and ~~that~~which represent their designated faith. These may include, but not be limited to, medals, medallions, scapulars, or prayer beads.
- c) Religious items may be limited, restricted, or denied by the Chief Administrative Officer based upon concerns such as safety, security, rehabilitation, institutional order, space, resources, or facilitation of gang identification, recruitment, or activity.
  - 1) Certain items, such as candles and incense, shall be restricted by the Chief Administrative Officer or chaplain to use for religious activities only. ~~These~~Such items shall be stored in a designated area of the youth center and shall be available upon request for use during approved religious activities held in the chapel or other designated common area.
  - 2) Religious symbols shall not exceed two inches in height or width. The chain upon which a medal or medallion is attached shall not exceed 24 inches in length. The combined value of the medal or medallion and chain shall not exceed \$50.
  - 3) The Department may restrict the color of religious items.
  - 4) Rosary beads shall be a solid color, either black, brown, or white, and shall not be permitted to be worn as jewelry.
  - 5) Medals or medallions shall not contain precious gems or stones.

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- 6) Medals or medallions shall not be of a design that could be used as a weapon or to conceal contraband.
  - 7) Religious symbols attached to pins shall not be permitted.
  - 8) Prayer rugs may be permitted if utilized as a component of the committed youth's faith but will be limited to the immediate living area during prayer or the area of religious service.
- d) Committed youth may wear articles of religious clothing, including but not limited to robes, prayer shawls, or talits, only in their immediate sleeping areas during prayer or in the area of religious service if verification is submitted that the clothing is worn as a component of their religion.
  - e) The wearing of religious headgear, including but not limited to fezzes, kufis, and yarmulkes, shall be limited only to the committed youth's immediate sleeping area during prayer and to the area of religious service, provided that verification is submitted that the wearing of the religious headgear is required by the committed youth's designated faith.

(Source: Amended at 43 Ill. Reg. 14183, effective November 25, 2019)

**Section 2425.90 Institutional Work and Program Assignments**

- a) Committed youth shall be relieved from a work assignment, without pay, on a recognized religious holiday or celebration ~~that~~<sup>which</sup> prohibits work or if the work assignment violates the specific requirements of the committed youth's faith, subject to concerns regarding safety, security, rehabilitation, institutional order, space, and resources. Committed youth must initiate the request to be relieved from the assignment by submitting a written request to the Chief Administrative Officer not less than ~~30~~<sup>thirty</sup> calendar days prior to the holiday.
- b) The Chief Administrative Officer may relieve a committed youth from an institutional program or assignment if a religious activity is scheduled at the same time and the committed youth has designated that faith, subject to concerns regarding safety, security, rehabilitation, institutional order, space, and resources.

(Source: Amended at 43 Ill. Reg. 14183, effective November 25, 2019)

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**Section 2425.100 Requests for Religious Accommodations**

- a) Committed youth requesting religious items shall submit the request in writing to the youth center chaplain and shall be required, if requested by the youth center chaplain or the ~~Director~~Religious Practice Advisory Board, to include written verification from an outside faith group or from a religious authoritative source that the religious item is necessary for the practice of the committed youth's religion or that the item is a symbol or integral part of the youth's religion.
- b) Committed youth requesting religious activities of the type not offered by the Department shall submit the request in writing to the youth center chaplain and shall be required, if requested by the youth center chaplain or the ~~Director~~Religious Practice Advisory Board, to submit the following information:
  - 1) Written verification that other committed youth belong to that faith and are interested in attending ~~such~~ religious activities;
  - 2) The names, addresses, and telephone numbers of the outside leaders of the faith;
  - 3) Copies of the by-laws, charters, or articles of incorporation, to the extent available;
  - 4) Written verification of the religion's practices, requirements, historical origins, size of membership population, organization hierarchy and structure, role of religious personnel, and dietary restrictions;
  - 5) The time, place, and nature of any religious activities to be conducted and the identity of the religious program volunteer who will conduct the requested religious activities, as well as ~~the volunteer's~~their address, telephone number, and credentials; and
  - 6) The documentation required under Section 2425.50(g).
- c) Committed youth requesting religious accommodations not addressed in this Section may be required, if requested by the youth center chaplain or ~~Director~~Religious Practice Advisory Board, to provide some or all of the following:

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- 1) The names, addresses, and telephone numbers of the outside leaders of the faith;
  - 2) Copies of the by-laws, charters, or articles of incorporation, to the extent available; and
  - 3) Written verification of the religion's practices, requirements, historical origins, size of membership population, organizational hierarchy and structure, role of religious personnel, and dietary restrictions.
- d) The chaplain shall inform the Chief Administrative Officer of any religious request and may, as determined necessary, submit the request and any required documentation to the [Director Religious Practice Advisory Board for review in accordance with Section 2425.30](#).

(Source: Amended at 43 Ill. Reg. 14183, effective November 25, 2019)

**Section 2425.110 Religious Grievances**

Any religious issue may be grieved in accordance with 20 Ill. Adm. Code 2504: Subpart C ([Grievance Procedures for Youth](#)) or D.

(Source: Amended at 43 Ill. Reg. 14183, effective November 25, 2019)

## DEPARTMENT OF JUVENILE JUSTICE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Volunteer Services
- 2) Code Citation: 20 Ill. Adm. Code 2435
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2435.10	Repealed
2435.12	Amendment
2435.15	Amendment
2435.20	Repealed
2435.30	Amendment
2435.40	Amendment
2435.50	Amendment
2435.60	Repealed
2435.70	Amendment
- 4) Statutory Authority: 730 ILCS 5/3-2.5-20 and 3-7-1
- 5) Effective Date of Rules: November 25, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 43 Ill. Reg. 8992; August 23, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

## DEPARTMENT OF JUVENILE JUSTICE

## NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: This rulemaking makes updates to the Department's administrative rules for volunteer Services. Sections 2435.10 (Applicability), 2435.20 (Designation of Staff Coordinator) and 2435.60 (Conduct of Volunteers) are being repealed. The Applicability Section was deemed no longer necessary. The Section regarding Designation of Staff Coordinator is being include in the definition of Volunteer Services Coordinator and Conduct of Volunteers is being added to Section 2435.50 (Placement Procedures for Approved Volunteers). Specifically, subsection 2435.50(b)(1) clarifies volunteers must be informed about and agree in writing to observe all applicable rules of the Department and the youth center. Other changes are being made to align this Part with the current Administrative Code style.
- 16) Information and questions regarding these adopted rules shall be directed to:

Lindsay M. Bentivegna  
Policy Staff Attorney  
Department of Juvenile Justice  
2715 W. Monroe St.  
Springfield IL 62704

217/557-1030  
DJJ.Rules@illinois.gov

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

## DEPARTMENT OF JUVENILE JUSTICE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER IX: DEPARTMENT OF JUVENILE JUSTICE  
SUBCHAPTER c: PROGRAMS AND SERVICESPART 2435  
VOLUNTEER SERVICES

## Section

2435.10	Applicability <a href="#">(Repealed)</a>
2435.12	Definitions
2435.15	Responsibilities
2435.20	Designation of Staff Coordinator <a href="#">(Repealed)</a>
2435.30	Applications for Volunteer Service: Individuals
2435.40	Applications for Volunteer Service: Groups
2435.50	Placement Procedures for Approved Volunteers
2435.60	Conduct of Volunteers <a href="#">(Repealed)</a>
2435.70	Termination of Volunteer Services

AUTHORITY: Implementing Section 3-2.5-20 and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2.5-20 and 3-7-1].

SOURCE: Adopted at 8 Ill. Reg. 14644, effective August 1, 1984; amended at 11 Ill. Reg. 11523, effective July 1, 1987; amended at 16 Ill. Reg. 8166, effective June 1, 1992; the policies embodied in this Part transferred to the Department of Juvenile Justice pursuant to Section 3-2.5-50 of the Unified Code of Corrections on June 1, 2006 and codified at 38 Ill. Reg. 16436; amended at 43 Ill. Reg. 14198, effective November 25, 2019.

**Section 2435.10 Applicability [\(Repealed\)](#)**

~~This Part applies to any group or individual who is seeking to provide or is providing volunteer services within the Department of Juvenile Justice.~~

(Source: Repealed at 43 Ill. Reg. 14198, effective November 25, 2019)

**Section 2435.12 Definitions**

"Chief Administrative Officer" means the highest ranking official of a youth center or the Deputy Director of any other Department facility.

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"Department" means the Department of Juvenile Justice.

"Director" means the Director of the Department of Juvenile Justice.

~~"Facility" means any youth center, program, or office within the Department.~~

"Volunteer Services Coordinator" means the staff member designated by each youth center's Chief Administrative Officer responsible for coordinating volunteer services for the facility.

(Source: Amended at 43 Ill. Reg. 14198, effective November 25, 2019)

**Section 2435.15 Responsibilities**

- a) Unless otherwise specified, the Director, Chief Administrative Officer, or Volunteer Services Coordinator may delegate responsibilities stated in this Part to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Part specifically states the Director, Chief Administrative Officer, or Volunteer Services Coordinator shall personally perform the duties. However, the Director, Chief Administrative Officer, or Volunteer Services Coordinator may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Amended at 43 Ill. Reg. 14198, effective November 25, 2019)

**Section 2435.20 Designation of Staff Coordinator (Repealed)**

~~The Chief Administrative Officer of each facility which accepts volunteers shall designate a Volunteer Services Coordinator.~~

(Source: Repealed at 43 Ill. Reg. 14198, effective November 25, 2019)

**Section 2435.30 Applications for Volunteer Service: Individuals**

- a) Applicants for volunteer service shall be required to complete an application provided by the Department and to supply references and verification of

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qualifications. Applicants shall be subject to screening procedures, ~~including drug testing,~~ and selection criteria adopted by the youth center facility to address security concerns or program requirements.

- b) An ex-offender shall not be accepted for volunteer service except as approved by the Chief Administrative Officer and the Director. In making their decision, the Chief Administrative Officer and the Director shall consider matters such as the ex-offender's criminal history, his or her behavioral history with the Department or the Department of Corrections, and any other prior involvement with the Department or with the Department of Corrections.
- c) Applicants shall be required to notify each youth center facility for which they wish to provide volunteer service and may be required to submit separate volunteer applications to each youth center facility and to undergo screening and orientation by the respective youth centers facilities. The determination whether to require separate applications or screening shall be based, among other matters, on the type of program and safety and security of the youth center facility.
- d) Criteria for selection, rejection and retention of volunteers may vary according to program and security needs of the youth center facility.

(Source: Amended at 43 Ill. Reg. 14198, effective November 25, 2019)

**Section 2435.40 Applications for Volunteer Service: Groups**

- a) Citizen groups wishing to provide volunteer service to a youth center or to committed youth in the community shall submit a written statement in advance, detailing: the purpose and goals of the proposed program; the intended frequency of visits to the youth center facility or with committed youth; and if applicable, the identity of the target group of committed youth to whom the service would be directed.
  - 1) Citizen groups proposing to provide ~~such~~ services on a continuing basis shall be required to submit a completed application for each participant and any subsequently added participants. Screening of individual members of the group shall be performed as required for individual volunteer applicants (Section 2435.30).
  - 2) Citizen groups proposing to provide ~~such~~ services on an occasional or

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one-time-only basis, such as church choirs, athletic teams or visiting entertainers, shall be required to identify participants by name and may be required to provide the date of birth and social security number of each participant. Any member of the group who is an ex-offender must be identified. Names and other required information shall be supplied in advance of each visitation in accordance with requirements of the [youth center facility](#).

- b) Citizen groups wishing to provide other volunteer services shall submit a written statement detailing the purpose and goals of the proposed service and suggested procedures for delivery of service. Screening of individual members of the group shall be performed as required for individual volunteer applicants (Section 2435.30).

(Source: Amended at 43 Ill. Reg. 14198, effective November 25, 2019)

**Section 2435.50 Placement Procedures for Approved Volunteers**

This Section applies to applicants who will be providing volunteer services on a continuing basis.

- a) Upon completion of the screening process, approved applicants shall be notified of their acceptance by the Volunteer Services Coordinator.
- b) Prior to placement, the volunteer [shall](#):
  - 1) ~~Shall~~ be informed of, and shall agree in writing to observe, all applicable rules [of the Department and the youth center](#) and to serve as a volunteer at the sole discretion of the Department;
  - 2) ~~Shall~~ sign a waiver releasing the Department and its agents or employees from liability for injuries or damages which might result in connection with the volunteer activities, except for those claims which may arise due to the willful and wanton conduct of the Department or its authorized agents or employees;
  - 3) ~~Shall~~ sign a written volunteer job description; and
  - 4) ~~Shall~~ receive training and orientation appropriate to the volunteer

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assignment as required by the facility. Written documentation, signed and dated by the volunteer, shall be maintained to verify training and orientation received.

(Source: Amended at 43 Ill. Reg. 14198, effective November 25, 2019)

**Section 2435.60 Conduct of Volunteers (Repealed)**

~~Volunteers shall conduct themselves in accordance with the rules of the Department and the facility.~~

(Source: Repealed at 43 Ill. Reg. 14198, effective November 25, 2019)

**Section 2435.70 Termination of Volunteer Services**

- a) Volunteer services may be terminated at any time.
- b) ~~Individual volunteers~~Volunteers or volunteer groups who have been dismissed shall surrender any form of identification issued by the Department. ~~Staff, and staff~~ shall be notified of the action taken.
- c) Any individual or volunteer group whose conduct has resulted in dismissal from one ~~youth center~~facility shall be restricted from participation in volunteer activities at all other departmental facilities. Reinstatement of the volunteer or volunteer group shall be subject to approval of the Director.

(Source: Amended at 43 Ill. Reg. 14198, effective November 25, 2019)

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- 1) Heading of the Part: Personal Property
- 2) Code Citation: 20 Ill. Adm. Code 2535
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2535.15	Amendment
2535.17	Amendment
2535.20	Amendment
2535.30	Amendment
2535.40	Amendment
2535.50	Amendment
2535.60	Amendment
2535.70	Amendment
2535.80	Amendment
2535.90	Amendment
2535.100	Amendment
2535.110	Amendment
2535.120	Amendment
2535.130	Amendment
2535.140	Amendment
- 4) Statutory Authority: 705 ILCS 405/1-3 and 730 ILCS 5/3-2.5-20, 3-7-1, 3-7-2, 3-8-7(a), 3-10-8 and 3-10-9
- 5) Effective Date of Rules: November 25, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 43 Ill. Reg. 8999; August 23, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

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- 11) Differences between Proposal and Final Version: Section 17 has been amended to clarify the types of rights and privileges may acquire include items such as receiving packages, maintaining publications and community phone privileges.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking removes the provisions prohibiting youth on confinement status from having audio-visual equipment. Other changes will update the language of the Part to align with current Department practices and Administrative Code standards.
- 16) Information and questions regarding these adopted rules shall be directed to:

Lindsay M. Bentivegna  
Policy Staff Attorney  
Department of Juvenile Justice  
2715 W. Monroe St.  
Springfield IL 62704

217/557-1030  
DJJ.Rules@illinois.gov

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

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER IX: DEPARTMENT OF JUVENILE JUSTICE  
SUBCHAPTER d: OPERATIONSPART 2535  
PERSONAL PROPERTY

## Section

2535.12	Definitions
2535.15	Responsibilities
2535.17	Personal Property
2535.20	Permit
2535.30	Audio-Visual Equipment
2535.40	Reading Material
2535.50	Commissary Items and Outside Vendor Purchases
2535.60	Jewelry
2535.70	Clothing and Other Property
2535.80	Procedure for New Admissions
2535.90	Procedure for Institutional Transfers
2535.100	Procedure for Temporary Absence
2535.110	Procedure for Aftercare Release or Discharge
2535.120	Disposal of Personal Property Items
2535.130	Security of Personal Property
2535.140	Unclaimed Personal Property

**AUTHORITY:** Implementing Section 3-4-3 and authorized by Sections 3-7-1 and 3-7-4 of the Unified Code of Corrections [730 ILCS 5/3-4-3, 3-7-1 and 3-7-4].

**SOURCE:** Adopted at 8 Ill. Reg. 14543, effective August 1, 1984; amended at 14 Ill. Reg. 6765, effective May 1, 1990; the policies embodied in this Part transferred to the Department of Juvenile Justice pursuant to Section 3-2.5-50 of the Unified Code of Corrections on June 1, 2006 and codified at 38 Ill. Reg. 16446; amended at 43 Ill. Reg. 14209, effective November 25, 2019.

**Section 2535.15 Responsibilities**

- a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Part to another person or persons or designate another person or persons to perform the duties specified.

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- b) No other individual may routinely perform duties whenever a rule in this Part specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his [or her](#) temporary absence or in an emergency.

(Source: Amended at 43 Ill. Reg. 14209, effective November 25, 2019)

**Section 2535.17 Personal Property**

Committed youth may only acquire personal property in accordance with provisions of this Part, 20 Ill. Adm. Code [2525 \(Rights and Privileges\) \(e.g., receive packages, maintain publications, community phone privileges\)](#)~~525~~, or posted rules established by the Chief Administrative Officer where the youth is assigned.

(Source: Amended at 43 Ill. Reg. 14209, effective November 25, 2019)

**Section 2535.20 Permit**

The Chief Administrative Officer of the assigned facility may require committed youth to obtain a permit for certain personal property items [such as electronics and other audio-visual equipment](#). Permit requirements shall be posted.

(Source: Amended at 43 Ill. Reg. 14209, effective November 25, 2019)

**Section 2535.30 Audio-Visual Equipment**

- a) Each facility shall develop and post a list of authorized audio-visual equipment each committed youth assigned to the general population may be permitted to retain. Detachable speakers shall not be permitted.
- b) Use of headphones or earplugs shall be at the discretion of the Chief Administrative Officer.
- c) Misuse or abuse of audio-visual equipment may result in the temporary or permanent confiscation of these items in accordance with the provisions of 20 Ill. Adm. Code 2504 [\(Discipline and Grievances\)](#).
- d) Limitations of the use of audio-visual equipment may be imposed on committed

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youth if the usage is disruptive to others.

- e) Committed youth may not possess recording devices as personal property, but may use them when required in academic or career and technical education programs ~~when the~~ use is approved by the youth center and in ~~such~~ place and manner as is approved by the youth center.
- f) ~~A committed youth placed in confinement shall be denied the privilege of possessing all audio-visual equipment until he is released from confinement or has his privileges restored in accordance with 20 Ill. Adm. Code 2504. His items will be returned when he signs a receipt for them.~~
- g) ~~Any committed youth in confinement for more than 60 consecutive days on the same rule infraction may submit a written request to the Chief Administrative Officer for restoration of his audio-visual privileges. The request shall be considered only if the individual has had no disciplinary infractions in the 60-day period prior to the submission of his request.~~
- h) ~~Any committed youth in confinement who has had audio-visual privileges restored may lose them again for a subsequent disciplinary infraction.~~
- i) When audio-visual equipment is confiscated or returned, an audio-visual equipment inventory form shall be given to the owner and a copy placed in his or her master record file. If the committed youth does not have the proper permit, disciplinary action may be taken.

(Source: Amended at 43 Ill. Reg. 14209, effective November 25, 2019)

**Section 2535.40 Reading Material**

- a) Each youth center shall develop and post a list of the amount of reading material each committed youth may be permitted to possess at any one time.
- b) The quantity of other reading materials may be limited by the Chief Administrative Officer consistent with reasonable safety and security concerns which may include, among other matters, impairment of visual observation or search of the living area.

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(Source: Amended at 43 Ill. Reg. 14209, effective November 25, 2019)

**Section 2535.50 Commissary Items and Outside Vendor Purchase**

All personal property purchases shall be made through the commissary, whenwhere possible. Outside vendor purchases shall be approved by and made through the youth centerfacility, and thosesueh purchases shall be limited to items thatwhich are not available through the commissary. No outside vendor purchases shall be allowed for the same or similar items available in the commissary without the approval of the Chief Administrative Officer. The quantity of thesueh items thatwhich a committed youth may retain shall be limited by the Chief Administrative Officer and shall be posted.

(Source: Amended at 43 Ill. Reg. 14209, effective November 25, 2019)

**Section 2535.60 Jewelry**

A committed youth may possess jewelry and shall be required to sign a statement of responsibility for thesueh jewelry. Limits on the amount, nature or value of jewelry shall be set by the Chief Administrative Officer and shall be posted.

(Source: Amended at 43 Ill. Reg. 14209, effective November 25, 2019)

**Section 2535.70 Clothing and Other Property**

The quantity of clothing and other property may be limited by the Chief Administrative Officer consistent with reasonable safety and security concerns thatwhich may include, among other matters, impairment of visual observation or search of the living area. Institutional policies regarding clothing and other property shall be posted.

(Source: Amended at 43 Ill. Reg. 14209, effective November 25, 2019)

**Section 2535.80 Procedure for New Admissions**

- a) All sheriffs shall be supplied with a list of approved personal property items. Only the approved items will be accepted by the Department upon admission of the committed youth.
  - 1) Non-approved items shall be receipted and returned to the sheriff prior to his or her departure from the youth centerfacility, when possible; or

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- 2) The committed youth shall be requested to authorize the disposition of any unapproved property, in writing, in accordance with 20 Ill. Adm. Code 2501.230.
- b) An inventory shall be conducted in the presence of the committed youth. The committed youth shall be given a copy of the inventory record and a copy shall be placed in the committed youth's master record file.
- c) The Chief Administrative Officer shall determine what personal property shall be marked to denote ownership.

(Source: Amended at 43 Ill. Reg. 14209, effective November 25, 2019)

**Section 2535.90 Procedure for Institutional Transfers**

- a) Intra-institutional Transfer
  - 1) When a committed youth's assignment to a room or dormitory is changed, ~~he or she~~~~the individual~~ shall generally be responsible for identifying all personal property and packing it in the containers provided. Unless the committed youth is in a single room, the packing shall be done in the presence of an employee.
  - 2) If the committed youth's behavior is threatening, violent, or dangerous, the transferring officer shall cause the committed youth's personal property to be packed and inventoried in the presence of a witness.
    - A) Property of youth that is not allowed in the confinement area shall be secured until ~~such time as~~ the committed youth is released from confinement.
    - B) The inventory form shall be signed by the packing officer and the witness. A copy of the inventory form shall be placed in the personal property container, and the container shall be sealed before being transported to the new location. A copy of the inventory shall be given to the committed youth; a copy shall be placed in the committed youth's master record file; and a copy shall be maintained by the facility in the personal property files.

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- b) Inter-institutional Transfers
- 1) It is the responsibility of the sending youth centerfacility to inform the committed youth of personal property items ~~that~~which are not approved at the receiving facility.
  - 2) Prior to transfer, the committed youth shall pack items acceptable to the receiving youth centerfacility in approved containers and non-approved items in another container, taking an inventory of the items in each. Inventory and packing shall be made in the presence of an employee. Upon completion, a copy of the inventory record for approved property shall be placed in the approved container and the container shall be sealed.
  - 3) Non-approved items shall be disposed of in accordance with the procedures established in 20 Ill. Adm. Code 2501.230 prior to the transfer, whenever possible.
  - 4) A copy of the inventory record for approved property shall be given to the committed youth; a copy shall be placed in the committed youth's master record file; and a copy shall be retained by the sending facility in the personal property files.
  - 5) At the time of repossession, the sealed container shall be opened in the presence of an employee, and the contents listed on the committed youth's inventory record shall be checked against the one sealed in the box. Any discrepancies shall be noted, and the employee and committed youth shall sign the inventory form. A copy of the inventory shall be maintained by the receiving youth centerfacility in the personal property files and in the committed youth's master record file.

(Source: Amended at 43 Ill. Reg. 14209, effective November 25, 2019)

**Section 2535.100 Procedure for Temporary Absence**

If a temporary absence is expected to be one day or less, the committed youth's personal property need not be inventoried and packed, unless the committed youth so requests. The following procedures shall be implemented when the committed youth so requests, the absence is expected to exceed one day, or it becomes known that the absence will exceed one day.

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- a) Before a temporary absence of more than one day or when the committed youth requests, the committed youth shall, in the presence of an employee, inventory and pack personal property in the containers provided.
- 1) A copy of the inventory shall be placed in the container, and the container shall be sealed.
  - 2) A copy of the inventory form shall be given to the committed youth; a copy shall be filed in the committed youth's master record file; and a copy shall be maintained by the facility in the personal property files.
- b) In an emergency or when it becomes known that an anticipated absence will exceed one day, it shall be the responsibility of the shift supervisor to ensure that, before the end of the shift, an accurate inventory, preferably with a witness, is made of the committed youth's personal property; that it is packed in an approved container and sealed with a copy of the inventory enclosed; and that it is stored in a designated secure area.
- 1) The shift commander or designee, the person making the inventory and packing the personal property; and the witness, if any, shall sign the inventory form.
  - 2) A copy of the inventory form shall be placed in the committed youth's master record file; a copy shall be forwarded to the committed youth; and a copy shall be maintained by the facility in the personal property files.
- c) At the time of repossession, the sealed container must be opened in the presence of an employee, and the contents listed on the committed youth's inventory slip checked against the one sealed in the box. Any discrepancies shall be noted, and the employee and committed youth shall sign the inventory report. A copy of the inventory shall be maintained by the youth center facility in the personal property files and in the committed youth's master record file.
- d) For purposes of this Section, personal property of a committed youth assigned to a single room may be locked in the room rather than placed in a container. All other provisions of this Section shall apply.

(Source: Amended at 43 Ill. Reg. 14209, effective November 25, 2019)

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**Section 2535.110 Procedure for Aftercare Release or Discharge**

- a) Prior to release on aftercare or discharge, it is the committed youth's responsibility to pack personal property in containers provided and transport them to a designated storage area, under the supervision of a Department employee.
- b) Personal property sent out prior to the release date must be inventoried; the inventory form must be signed by the witnessing Department employee and the committed youth; and the personal property must be sealed in the container provided, with a copy of the inventory enclosed. A copy of the inventory shall be given to the committed youth and a copy shall be placed in the committed youth's master record file and a copy shall be retained in the [youth center's facility's](#) personal property files.
- c) Personal property given to a third party for transport must be receipted by the person receiving it and a copy shall be placed in the committed youth's master record file and a copy shall be maintained in the [youth center's facility's](#) personal property files.

(Source: Amended at 43 Ill. Reg. 14209, effective November 25, 2019)

**Section 2535.120 Disposal of Personal Property Items**

- a) Committed youth shall not give, loan, sell or trade personal property items to other committed youth, except where authorized by this Part.
- b) The ownership of an allowable property item may not be transferred from one committed youth to another while the owner is assigned to a [youth center facility](#).
- c) When a committed youth wishes to dispose of an allowable property item by sending it out of the facility, selling it, donating it, giving it to a relative or guardian with approval by the Chief Administrative Officer, or authorizing its destruction, a signed record shall be filed in the committed youth's master record file and a copy of the record shall be maintained by the [youth center facility](#) in the personal property files.

(Source: Amended at 43 Ill. Reg. 14209, effective November 25, 2019)

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**Section 2535.130 Security of Personal Property**

- a) Committed youth shall be responsible for their personal property which is in their possession or under their control, (i.e., on their person or in their room, living area or work area).
- b) Committed youth shall be responsible for maintaining a copy of inventories, permits and/or receipts issued for their personal property.
- c) Committed youth's personal property shall be deemed abandoned in the event of an unauthorized absence such as an escape, runaway, attempted escape or runaway, or failure to return to the facility.
- d) The Department shall not be responsible for loss of abandoned property or for any items for which the committed youth does not have an inventory record, a permit and/or receipt, or ~~that~~which would have been subject to an inventory but does not appear itemized on the inventory.

(Source: Amended at 43 Ill. Reg. 14209, effective November 25, 2019)

**Section 2535.140 Unclaimed Personal Property**

Money or personal property held for a committed youth who has separated from the Department by death, discharge, or unauthorized absence and ~~that~~which has not been claimed by the committed youth or his or her legal representative may be disposed of as follows:

- a) Unclaimed money held for a period of one year may be transferred to the ~~Youth Resident~~ Benefit Fund and be expended for the special benefit of committed youth.
- b) Unclaimed clothes held for 30 days may be used or disposed of as determined appropriate by the Chief Administrative Officer.
- c) Other unclaimed personal property held for a period of one year may be used for the benefit of committed youth as determined appropriate by the Chief Administrative Officer.

(Source: Amended at 43 Ill. Reg. 14209, effective November 25, 2019)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) 

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
310.47	Amendment
310.50	Amendment
310.100	Amendment
310.260	Amendment
310.460	Amendment
310.490	Amendment
310.500	Amendment
310.530	Amendment
310.550	New Section
310.560	Repealed
310.570	Repealed
310.Appendix D	Amendment
310.Appendix G	Amendment
- 4) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)].
- 5) Effective Date of Emergency Rules: November 22, 2019
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment is not to expire prior to the end of the 150-day period unless the accompanying, identical proposed amendments are adopted prior to the end of the 150-day period.
- 7) Date Filed with the Index Department: November 22, 2019
- 8) This and other Pay Plan amendments are on file and available in the Division of Technical Services of the Bureau of Personnel.
- 9) Reasons for Emergency: The reasons for the emergency are the combined September 29, 2019 effective date of the Equal Pay Act, PA 101-177 provisions, the collective bargaining agreements' fiscal year 2020 (FY2020) stipend and general increase provisions, and signed FY2020 budget and budget implementation bills including PA 101-7 and 101-10. These legislative and contractual actions reflect the need to

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compensate State workers in order to retain and attract workers who provide vital services such as social services, child protection, and public safety across Illinois and oversee critical work within state government. Agencies have experienced the ongoing and increasing difficulty to retain merit compensation employees to perform this often-life-saving work. Further, the Equal Pay Act amendments underscore the public's interest in ensuring that employment and compensation decisions are not tainted by bias, implicit or otherwise. Because compensation is integral to the State's ability to retain and attract employees to provide for the safety and welfare of the public, it is in the State's best interest to immediately undertake these steps. The signed FY2020 budget and budget implementation bills established enough funds to pay Merit Compensation employees a stipend and cost-of-living adjustment and increase the maximum salaries in Merit Compensation salary ranges during FY2020. During FY2020, signed collective bargaining agreements have provided employees represented by the bargaining units with a similar stipend and general increase. The Merit Compensation stipend, cost-of-living adjustment and increase to maximum salaries in Merit Compensation salary ranges reinforce the purpose of PA 101-177 in amending the Equal Pay Act. The Merit Compensation stipend, cost-of-living adjustment and increase to maximum salaries in Merit Compensation salary ranges maintains parity throughout the Pay Plan during FY2020.

Beyond the Merit Compensation stipend, cost-of-living adjustment and increase to the maximum salaries in Merit Compensation salary ranges, the PA imposes other amendments to the Pay Plan. The Governor signed House Bill 834, becoming PA 101-177, on July 31, 2019. That same day, the Department of Central Management Services' Senior Policy Advisor issued to personnel officers of the state agencies, boards and commissions a memorandum. The memorandum instituted pay policy changes and guidance for state agencies, boards and commissions effective immediately.

Where candidates are new to state government, State agencies, boards and commissions shall not seek, request or require a candidate's current wage or salary history. Agencies, boards and commissions shall not use a candidate's current wage or salary history to screen applicants or request or require current wage or salary history information as a condition for being considered for employment or for an offer of employment. Agencies, boards and commissions shall stop the verification of a candidate's current wage or salary history.

Each agency, board or commission shall identify any location (website, form or process) where current or past wage or salary is requested and remove the request no later than August 15, 2019. On and after August 30, 2019 for the position being filled, agencies,

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boards and commissions shall publish a position-specific "Anticipated Starting Salary". The anticipated starting salary is within the pay grade or salary range assigned to the classification title to which the position being filled is allocated and based on the value of the work to be performed in the position description. When valuing the work to be performed in the position description, agencies, boards and commissions shall consider questions based on the factors located in Sections 310.80(e) and 310.470. The factors are: is the valuation consistent with the treatment of other similar situations; is the valuation equitable in view of the particular circumstances; what are the staffing needs and requirements of the employing agency; and are there labor market influences on recruitment for the classification or position. Some of the questions to be considered are: how are others in this title in the agency compensated; how many staff does the position supervise; what is the scope of the position's area of responsibility; is the position similar to positions at other agencies and if so, how are those employees compensated; what types of subordinates report to the position and how are they compensated; does this position require a license that is difficult to obtain; has the agency unsuccessfully attempted to fill the position and if so, how many times; and if the position has private sector counterparts, how are they compensated? This is a non-exhaustive list of factors and questions for agencies, boards and commissions to consider when developing an "Anticipated Starting Salary".

For a Trainee Program's classification title that is exclusively in the Merit Compensation system and with a specified targeted title and/or location, the in-hire rate shall be the anticipated starting salary and entrance base salary for each position in that Trainee program's classification title that is exclusively in the Merit Compensation system and with a specified targeted title and/or location.

For other than trainee classification titles where the candidate is new to state government and where the new-to-state-government candidate only meets the minimum of the classification requirements, the entrance base salary is the lowest salary in the anticipated starting salary range, the anticipated starting salary or the in-hire rate. Where the new-to-state-government candidate exceeds the minimum of the classification requirements, the entrance base salary is the in-hire rate, the anticipated starting salary, within the anticipated starting salary range or the rate resulting from a special salary request that is pre-approved by the Department of Central Management Services.

For other than Trainee classification titles where the current state government employee is a candidate for a position subject to the Personnel Code, if a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary

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that is not more than 5% above the candidate's current base salary. Any deviation from the 5% maximum is a special salary adjustment.

If a candidate inadvertently or voluntarily without prompting discloses their current or wage or salary history, including benefits or other compensation, the agency, board or commission shall not consider or rely on the information in a salary offer and shall disregard the information.

- 10) A Complete Description of the Subjects and Issues Involved: In the table of contents, the heading for Section 310.550 is changed. "(Repealed)" is added to the end of the headings of Sections 310.560 and 310.570.

In Section 310.47 subsection (b), the agency head request for a merit compensation system only Trainee Program is added. In subsection (f), in-hire rates for trainee program titles are moved or added into a new sub-subsection (3) when the Trainee Program titles are exclusively within the Merit Compensation System.

In Section 310.50, the definition of "Anticipated Starting Salary" is added.

In Section 310.100 subsection (b), the determination of the entrance base salary is changed. In subsection (k), reinstatement is changed to in part reference the entrance base salary process changes.

In Section 310.260, a reference to where to locate in-hire rates assigned to Trainee Program classes is added.

In Section 310.460 subsection (a), the determination of a salary with a promotion is changed.

In Section 310.490 subsections (b) the determination of entrance base salary is changed. In subsection (l), reinstatement is changed in part reference the entrance base salary process changes.

In Section 310.500, the definition of "Anticipated Starting Salary" is added.

In Section 310.530 a new subsection (c) is added to incorporate a FY2020 stipend and cost-of-living adjustment in the Merit Compensation System implementation.

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Section 310.550 is added. The new Section includes the eligibility for a merit compensation stipend and description of the merit compensation stipend, and the cost-of-living adjustment.

Section 310.560 is repealed.

Section 310.570 is repealed.

In Sections 310.Appendices D and G, the maximum base salary within each salary range is increased by five percent.

- 11) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
310.260	Amendment	43 Ill. Reg. 10527; September 27, 2019
310.410	Amendment	43 Ill. Reg. 10527; September 27, 2019
310.APPENDIX A TABLE L	Amendment	43 Ill. Reg. 10527; September 27, 2019
310.APPENDIX A TABLE S	Amendment	43 Ill. Reg. 10527; September 27, 2019
310.APPENDIX A TABLE W	Amendment	43 Ill. Reg. 10527; September 27, 2019
310.APPENDIX A TABLE X	Amendment	43 Ill. Reg. 10527; September 27, 2019
310.APPENDIX D	Amendment	43 Ill. Reg. 10527; September 27, 2019

- 12) Statement of Statewide Policy Objective: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

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

Ms. Lisa Fendrich  
 Compensation Supervisor  
 Compensation Section  
 Division of Technical Services and Agency Training and Development  
 Bureau of Personnel  
 Department of Central Management Services  
 504 William G. Stratton Building  
 Springfield IL 62706

217/782-7976  
 fax: 217/524-4570

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CMS.PayPlan@Illinois.gov

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

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47	In-Hire Rate
<u>EMERGENCY</u>	
310.50	Definitions
<u>EMERGENCY</u>	
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
<u>EMERGENCY</u>	
310.110	Implementation of Pay Plan Changes (Repealed)
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

## SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate (Repealed)

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- 310.240 Daily or Hourly Rate Conversion
- 310.250 Member, Patient and Inmate Rate
- 310.260 Trainee Rate
- EMERGENCY
- 310.270 Legislated Rate (Repealed)
- 310.280 Designated Rate
- 310.290 Out-of-State Rate (Repealed)
- 310.295 Foreign Service Rate (Repealed)
- 310.300 Educator Schedule for RC-063 and HR-010
- 310.310 Physician Specialist Rate
- 310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
- 310.330 Excluded Classes Rate (Repealed)

## SUBPART C: MERIT COMPENSATION SYSTEM

## Section

- 310.410 Jurisdiction
- 310.415 Merit Compensation Salary Range Assignments
- 310.420 Objectives
- 310.430 Responsibilities
- 310.440 Merit Compensation Salary Schedule
- 310.450 Procedures for Determining Annual Merit Increases and Bonuses
- 310.455 Intermittent Merit Increase (Repealed)
- 310.456 Merit Zone (Repealed)
- 310.460 Other Pay Increases

EMERGENCY

- 310.470 Adjustment
- 310.480 Decreases in Pay
- 310.490 Other Pay Provisions

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- 310.495 Broad-Band Pay Range Classes
- 310.500 Definitions

EMERGENCY

- 310.510 Conversion of Base Salary to Pay Period Units (Repealed)
- 310.520 Conversion of Base Salary to Daily or Hourly Equivalents
- 310.530 Implementation

EMERGENCY

- 310.540 Annual Merit Increase and Bonus Guidechart

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310.550 [Fiscal Year 2020 Merit Compensation Stipend and Cost-of-Living Adjustment](#)~~Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)~~

EMERGENCY

310.560 Merit Incentive Program [\(Repealed\)](#)

EMERGENCY

310.570 Gain Sharing Program [\(Repealed\)](#)

EMERGENCY

SUBPART D: FROZEN NEGOTIATED-RATES-OF-PAY DUE TO  
FISCAL YEAR APPROPRIATIONS AND EXPIRED SALARY SCHEDULES IN  
COLLECTIVE BARGAINING UNIT AGREEMENTS

## Section

310.600 Jurisdiction (Repealed)  
310.610 Pay Schedules (Repealed)  
310.620 In-Hiring Rate (Repealed)  
310.630 Definitions (Repealed)  
310.640 Increases in Pay (Repealed)  
310.650 Other Pay Provisions (Repealed)  
310.660 Effective Date (Repealed)  
310.670 Negotiated Rate (Repealed)  
310.680 Trainee Rate (Repealed)  
310.690 Educator Schedule for Frozen RC-063 and Frozen HR-010 (Repealed)

## 310.APPENDIX A Negotiated Rates of Pay

310.TABLE A RC-104 (Conservation Police Supervisors, Illinois Fraternal Order of Police Labor Council)  
310.TABLE B VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' – ISEA Local #2002)  
310.TABLE C RC-056 (Site Superintendents and Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE)  
310.TABLE D HR-001 (Teamsters Local #700)  
310.TABLE E RC-020 (Teamsters Locals #330 and #705)  
310.TABLE F RC-019 (Teamsters Local #25)  
310.TABLE G RC-045 (Automotive Mechanics, IFPE)  
310.TABLE H RC-006 (Corrections Employees, AFSCME)  
310.TABLE I RC-009 (Institutional Employees, AFSCME)

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310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge) (Repealed)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, Meat and Poultry Inspectors and Meat and Poultry Inspector Trainees, IFPE)
310.TABLE Q	RC-061 (Conservation Police Officer Trainees and Conservation Police Officer I's and II's, Illinois Fraternal Order of Police Labor Council)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Supervisory Employees in Corrections and Juvenile Justice, AFSCME)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, Juvenile Justice School Counselors and Special Education Resources Coordinators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Departments of Central Management Services, Natural Resources and Transportation, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Blasting Experts, Blasting Specialists and Blasting Supervisors Department of Natural Resources, SEIU Local 73)
310.TABLE AE	RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294) (Repealed)
310.APPENDIX B	Frozen Negotiated-Rates-of-Pay (Repealed)
310.TABLE A	Frozen RC-104-Rates-of-Pay (Conservation Police Supervisors, Laborers' – ISEA Local #2002) (Repealed)
310.TABLE C	Frozen RC-056-Rates-of-Pay (Site Superintendents and

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	Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE) (Repealed)
310.TABLE H	Frozen RC-006-Rates-of-Pay (Corrections Employees, AFSCME) (Repealed)
310.TABLE I	Frozen RC-009-Rates-of-Pay (Institutional Employees, AFSCME) (Repealed)
310.TABLE J	Frozen RC-014-Rates-of-Pay (Clerical Employees, AFSCME) (Repealed)
310.TABLE K	Frozen RC-023-Rates-of-Pay (Registered Nurses, INA) (Repealed)
310.TABLE M	Frozen RC-110-Rates-of-Pay (Conservation Police Lodge) (Repealed)
310.TABLE N	Frozen RC-010 (Professional Legal Unit, AFSCME) (Repealed)
310.TABLE O	Frozen RC-028-Rates-of-Pay (Paraprofessional Human Services Employees, AFSCME) (Repealed)
310.TABLE P	Frozen RC-029-Rates-of-Pay (Paraprofessional Investigatory and Law Enforcement Employees, IFPE) (Repealed)
310.TABLE R	Frozen RC-042-Rates-of-Pay (Residual Maintenance Workers, AFSCME) (Repealed)
310.TABLE S	Frozen VR-704-Rates-of-Pay (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002) (Repealed)
310.TABLE T	Frozen HR-010-Rates-of-Pay (Teachers of Deaf, IFT) (Repealed)
310.TABLE V	Frozen CU-500-Rates-of-Pay (Corrections Meet and Confer Employees) (Repealed)
310.TABLE W	Frozen RC-062-Rates-of-Pay (Technical Employees, AFSCME) (Repealed)
310.TABLE X	Frozen RC-063-Rates-of-Pay (Professional Employees, AFSCME) (Repealed)
310.TABLE Y	Frozen RC-063-Rates-of-Pay (Educators and Educator Trainees, AFSCME) (Repealed)
310.TABLE Z	Frozen RC-063-Rates-of-Pay (Physicians, AFSCME) (Repealed)
310.TABLE AB	Frozen RC-150-Rates-of-Pay (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AD	Frozen RC-184-Rates-of-Pay (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73) (Repealed)
310.TABLE AE	Frozen RC-090-Rates-of-Pay (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294) (Repealed)

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- 310.APPENDIX C Comparison of Pay Grades or Salary Ranges Assigned to Classifications
- 310.ILLUSTRATION A Classification Comparison Flow Chart: Both Classes are Whole
- 310.ILLUSTRATION B Classification Comparison Flow Chart: One Class is Whole and One is Divided
- 310.ILLUSTRATION C Classification Comparison Flow Chart: Both Classes are Divided
- 310.APPENDIX D Merit Compensation System Salary Schedule  
[EMERGENCY](#)
- 310.APPENDIX E Teaching Salary Schedule (Repealed)
- 310.APPENDIX F Physician and Physician Specialist Salary Schedule (Repealed)
- 310.APPENDIX G Broad-Band Pay Range Classes Salary Schedule  
[EMERGENCY](#)

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 3230, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at

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10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg.

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11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill.

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Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998;

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amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280,

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effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended

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at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; preemptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; preemptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; preemptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; preemptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; preemptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; preemptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May

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1, 2009; preemptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; preemptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; preemptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; preemptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; preemptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; preemptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; preemptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; preemptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; preemptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; preemptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; preemptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; preemptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; preemptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; preemptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; preemptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; preemptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092, effective January 1, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; preemptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011; amended at 35 Ill. Reg. 11245, effective June 28, 2011; emergency amendment at 35 Ill. Reg. 11657, effective July 1, 2011, for a maximum of 150 days; emergency expired November 27, 2011; preemptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; preemptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; preemptory amendment at 35 Ill. Reg. 15178, effective August 29, 2011; emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; preemptory amendment at 35 Ill. Reg. 19707, effective November 23, 2011; amended at 35 Ill. Reg. 20144, effective December 6, 2011; amended at 36 Ill. Reg. 153, effective December 22, 2011; preemptory amendment at 36

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Ill. Reg. 564, effective December 29, 2011; preemptory amendment at 36 Ill. Reg. 3957, effective February 24, 2012; preemptory amendment at 36 Ill. Reg. 4158, effective March 5, 2012; preemptory amendment at 36 Ill. Reg. 4437, effective March 9, 2012; amended at 36 Ill. Reg. 4707, effective March 19, 2012; amended at 36 Ill. Reg. 8460, effective May 24, 2012; preemptory amendment at 36 Ill. Reg. 10518, effective June 27, 2012; emergency amendment at 36 Ill. Reg. 11222, effective July 1, 2012, for a maximum of 150 days; preemptory amendment at 36 Ill. Reg. 13680, effective August 15, 2012; preemptory amendment at 36 Ill. Reg. 13973, effective August 22, 2012; preemptory amendment at 36 Ill. Reg. 15498, effective October 16, 2012; amended at 36 Ill. Reg. 16213, effective November 1, 2012; preemptory amendment at 36 Ill. Reg. 17138, effective November 20, 2012; preemptory amendment at 37 Ill. Reg. 3408, effective March 7, 2013; amended at 37 Ill. Reg. 4750, effective April 1, 2013; preemptory amendment at 37 Ill. Reg. 5925, effective April 18, 2013; preemptory amendment at 37 Ill. Reg. 9563, effective June 19, 2013; amended at 37 Ill. Reg. 9939, effective July 1, 2013; emergency amendment at 37 Ill. Reg. 11395, effective July 1, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 11524, effective July 3, 2013; preemptory amendment at 37 Ill. Reg. 12588, effective July 19, 2013; preemptory amendment at 37 Ill. Reg. 13762, effective August 8, 2013; preemptory amendment at 37 Ill. Reg. 14219, effective August 23, 2013; amended at 37 Ill. Reg. 16925, effective October 8, 2013; preemptory amendment at 37 Ill. Reg. 17164, effective October 18, 2013; preemptory amendment at 37 Ill. Reg. 20410, effective December 6, 2013; preemptory amendment at 38 Ill. Reg. 2974, effective January 9, 2014; amended at 38 Ill. Reg. 5250, effective February 4, 2014; preemptory amendment at 38 Ill. Reg. 6725, effective March 6, 2014; emergency amendment at 38 Ill. Reg. 9080, effective April 11, 2014, for a maximum of 150 days; preemptory amendment at 38 Ill. Reg. 9136, effective April 11, 2014; amended at 38 Ill. Reg. 9207, effective April 21, 2014; preemptory amendment at 38 Ill. Reg. 13416, effective June 11, 2014; amended at 38 Ill. Reg. 14818, effective July 1, 2014; preemptory amendment at 38 Ill. Reg. 15739, effective July 2, 2014; preemptory amendment at 38 Ill. Reg. 17481, effective July 29, 2014; amended at 38 Ill. Reg. 17556, effective August 6, 2014; preemptory amendment at 38 Ill. Reg. 18791, effective August 26, 2014; preemptory amendment at 38 Ill. Reg. 19806, effective September 26, 2014; amended at 38 Ill. Reg. 20695, effective October 14, 2014; amended at 38 Ill. Reg. 24005, effective December 9, 2014; preemptory amendment at 39 Ill. Reg. 728, effective December 23, 2014; emergency amendment at 39 Ill. Reg. 708, effective December 26, 2014, for a maximum of 150 days; preemptory amendment at 39 Ill. Reg. 6964, effective April 29, 2015; amended at 39 Ill. Reg. 7878, effective May 22, 2015; amended at 39 Ill. Reg. 11220, effective July 28, 2015; preemptory amendment at 39 Ill. Reg. 12004, effective August 13, 2015; preemptory amendment at 39 Ill. Reg. 15807, effective November 25, 2015; amended at 40 Ill. Reg. 5893, effective March 28, 2016; preemptory amendment at 40 Ill. Reg. 8462, effective June 1, 2016; preemptory amendment at 40 Ill. Reg. 9658, effective June 30, 2016; amended at 40 Ill. Reg. 9356, effective July 1, 2016; preemptory amendment at 40 Ill. Reg. 11207, effective August 5, 2016; preemptory amendment

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at 41 Ill. Reg. 1210, effective January 19, 2017; amended at 41 Ill. Reg. 1695, effective January 25, 2017; preemptory amendment at 41 Ill. Reg. 2078, effective February 2, 2017; amended at 41 Ill. Reg. 3191, effective March 6, 2017; amended at 41 Ill. Reg. 4615, effective April 24, 2017; preemptory amendment at 41 Ill. Reg. 5822, effective May 15, 2017; preemptory amendment at 41 Ill. Reg. 6695, effective May 24, 2017; preemptory amendment at 41 Ill. Reg. 7227, effective June 9, 2017; amended at 41 Ill. Reg. 8314, effective July 1, 2017; preemptory amendment at 41 Ill. Reg. 10974, effective August 10, 2017; preemptory amendment at 41 Ill. Reg. 11447, effective August 25, 2017; preemptory amendment at 41 Ill. Reg. 12179, effective September 13, 2017; preemptory amendment at 41 Ill. Reg. 15837, effective December 12, 2017; amended at 42 Ill. Reg. 712, effective December 28, 2017; amended at 42 Ill. Reg. 5357, effective March 9, 2018; preemptory amendment at 42 Ill. Reg. 8967, effective May 16, 2018; amended at 42 Ill. Reg. 13464, effective July 1, 2018; amended at 42 Ill. Reg. 16651, effective September 4, 2018; preemptory amendment at 43 Ill. Reg. 3999, effective March 15, 2019; amended at 43 Ill. Reg. 8746, effective July 31, 2019; preemptory amendment at 43 Ill. Reg. 9886, effective August 21, 2019; preemptory amendment at 43 Ill. Reg. 10811, effective September 20, 2019; preemptory amendment at 43 Ill. Reg. 11734, effective September 27, 2019; preemptory amendment at 43 Ill. Reg. 12119, effective October 8, 2019; preemptory amendment at 43 Ill. Reg. 13031, effective October 25, 2019; amended by emergency rulemaking at 43 Ill. Reg. 14216, effective November 22, 2019, for a maximum of 150 days.

## SUBPART A: NARRATIVE

**Section 310.47 In-Hire Rate****EMERGENCY**

- a) Use – No employee in a position in which the position and/or the employee meet the criteria of an in-hire rate receives less than the in-hire rate. The in-hire rate is used when a candidate only meets the minimum requirements of the class specification upon entry to State service (Section 310.100(b)(1), 310.490(b)(1) or 310.495(b)(1)), when an employee moves to a vacant position (Section 310.45) or when an MS salary range is assigned to a Trainee Program (Section 310.415(b)).
- b) Request –
  - 1) Agency Head Request for Other Than a Merit-Compensation-System-only Trainee Program – An agency head may request in writing that the Director of Central Management Services approve or negotiate an in-hire rate. The in-hire rate is a Step or dollar amount depending on whether the classification title is assigned to a negotiated full scale rate, negotiated pay

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grade, merit compensation salary range or broad-band salary range. The in-hire rate may be for the classification title or limited within the classification title to the agency, facilities, counties or other criteria. The supporting justifications for the requested in-hire rate and the limitations are included in the agency request. An effective date may be included in the request.

- 2) Agency Head Request for a Merit-Compensation-System-only Trainee Program – The Department of Central Management Services determined in-hire rates for existing Trainee Programs assigned only MS-salary ranges to be used by agencies as the anticipated starting salaries. The in-hire rates are tied to the targeted title and in one case the county in which the trainee position is located. Some targeted titles have been determined to be inappropriate for some trainee titles. If an agency is unable to locate an in-hire rate for their Trainee Program's targeted title, the targeted title is inappropriate. Agencies using inappropriate targeted titles shall allow employees in the trainee titles targeting the inappropriate targeted titles to finish their training and be promoted if successful. Then, the agency shall not use the inappropriate targeted title again for that trainee program. Questions about the best titles to use for training shall be addressed by the Department of Central Management Services. When an agency submits for approval the establishment of a new or a targeted title revision for an existing Trainee or Apprenticeship Program form (CMS-705), the agency head shall request in writing that the Director of Central Management Services approve an in-hire rate. The in-hire rate is a dollar amount within the merit compensation salary range assigned to the trainee title. The in-hire rate may be for the trainee title limited for the targeted title and the agency, facilities, counties or other criteria. The supporting justifications for the requested in-hire rate and the limitations shall be included in the agency request. An effective date may be included in the request.
- c) Review – The Director of Central Management Services shall review the supporting justifications, the turnover rate, the length of vacancies, the currently filled positions for the classification title, and the market starting rates for similar classes, and consult with other agencies using the classification title. Other factors may be included in the review and negotiation of negotiated in-hire rates.
- d) Approval or Negotiated –

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- 1) Approval – The Director of Central Management Services indicates in writing the approved in-hire rate and effective date, which is either the date requested by the agency or the beginning of the next pay period after the approval.
  - 2) Negotiated – The Director of Central Management Services and the bargaining unit representative indicate in writing the in-hire rates and effective date, which is either the date indicated in the agreement, the date of the agreement's signature or the beginning of the next pay period after the signatures are secured on the agreement.
- e) Implementation – In the classification title or within the limitations of the classification title and when the in-hire rate is above the normal minimum of the assigned salary range or pay grade, an employee paid below the in-hire rate receives the in-hire rate on the approved effective date. The in-hire rate remains in effect for any employee entering the title or the limits within the title until the title is abolished or an agency request to rescind the in-hire rate is approved by the Director of Central Management Services or negotiated by the Director of Central Management Services and the bargaining unit representative.
- f) Approved or Negotiated In-Hire Rates –
- 1) Assigned to a Classification –
    - A) Approved and Assigned to a Pay Grade or Salary Range –

Title	Pay Grade or Salary Range	Effective Date	In-Hire Rate
<del>Commerce Commission Police Officer Trainee</del>	<del>MS-10</del>	<del>January 1, 2008</del>	<del>\$2,943</del>
Correctional Officer	RC-006-09	January 1, 2008	Step 1
Correctional Officer Trainee	RC-006-05	January 1, 2008	Step 1
Environmental Engineer I	RC-063-15	January 1, 2008	Step 2
Environmental Protection Engineer I	RC-063-15	January 1, 2008	Step 5
Environmental Protection Engineer II	RC-063-17	January 1, 2008	Step 4
<del>Internal Auditor Trainee</del>	<del>MS-09</del>	<del>January 1, 2008</del>	<del>\$2,854</del>

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- B) Negotiated and Assigned to a Full Scale Rate – The rates are located in Appendix A Table D for bargaining unit HR-001, in Appendix A Table E for bargaining unit RC-020, in Appendix A Table F for RC-019 and in Appendix A Table G for bargaining unit RC-045.

Title	Bargaining Unit	Effective Date	In-Hire Rate
Auto & Body Repairer	RC-045	July 1, 2013	75%
Automotive Attendant I	RC-045	July 1, 2013	75%
Automotive Attendant II	RC-045	July 1, 2013	75%
Automotive Mechanic	RC-045	July 1, 2013	75%
Automotive Parts Warehouse Specialist	RC-045	July 1, 2013	75%
Automotive Parts Warehouse	RC-045	July 1, 2013	75%
Automotive Parts Warehouse	RC-045	July 1, 2013	75%
Bridge Mechanic	RC-019	July 8, 2013	75%
Bridge Mechanic	RC-020	June 26, 2013	75%
Bridge Tender	RC-019	July 8, 2013	75%
Bridge Tender	RC-020	June 26, 2013	75%
Building Services Worker	HR-001	July 24, 2013	75%
Conservation Police Lieutenant	RC-104	July 31, 2019	*
Conservation Police Sergeant	RC-104	July 31, 2019	*
Deck Hand	RC-019	July 8, 2013	75%
Elevator Operator	HR-001	July 24, 2013	75%
Ferry Operator I	RC-019	July 8, 2013	75%
Ferry Operator II	RC-019	July 8, 2013	75%
Grounds Supervisor	HR-001	July 24, 2013	75%
Heavy Construction Equipment Operator	HR-001	July 24, 2013	75%
Heavy Construction Equipment Operator	RC-020	June 26, 2013	75%
Highway Maintainer	HR-001	November 1, 2009	75%
Highway Maintainer	RC-019	July 8, 2013	75%
Highway Maintainer	RC-020	June 26, 2013	75%
Highway Maintenance Lead Worker	HR-001	July 24, 2013	75%

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Highway Maintenance Lead Worker	RC-019	July 8, 2013	75%
Highway Maintenance Lead Worker	RC-020	June 26, 2013	75%
Highway Maintenance Lead Worker (Lead Lead Worker)	RC-019	July 8, 2013	75%
Highway Maintenance Lead Worker (Lead Lead Worker)	RC-020	June 26, 2013	75%
Janitor I (Including Office of Administration)	RC-019	July 8, 2013	75%
Janitor II (Including Office of Administration)	RC-019	July 8, 2013	75%
Labor Maintenance Lead Worker	RC-019	July 8, 2013	75%
Labor Maintenance Lead Worker	RC-020	June 26, 2013	75%
Laborer (Maintenance)	HR-001	July 24, 2013	75%
Laborer (Maintenance)	RC-019	July 8, 2013	75%
Laborer (Maintenance)	RC-020	June 26, 2013	75%
Maintenance Equipment Operator	HR-001	July 24, 2013	75%
Maintenance Equipment Operator	RC-019	July 8, 2013	75%
Maintenance Equipment Operator	RC-020	June 26, 2013	75%
Maintenance Worker	HR-001	July 24, 2013	75%
Maintenance Worker	RC-019	July 8, 2013	75%
Maintenance Worker	RC-020	June 26, 2013	75%
Power Shovel Operator (Maintenance)	HR-001	July 24, 2013	75%
Power Shovel Operator (Maintenance)	RC-019	July 8, 2013	75%
Power Shovel Operator (Maintenance)	RC-020	June 26, 2013	75%
Security Guard I	RC-019	July 8, 2013	75%
Security Guard II	RC-019	July 8, 2013	75%
Silk Screen Operator	RC-019	July 8, 2013	75%
Silk Screen Operator	RC-020	June 26, 2013	75%
Small Engine Mechanic	RC-045	July 1, 2013	75%

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## NOTICE OF EMERGENCY AMENDMENTS

Storekeeper I**	RC-045	July 1, 2013	75%
Storekeeper II**	RC-045	July 1, 2013	75%

- \* New bargaining unit members, regardless of their current rank, shall be hired at 33% of the differential between a Conservation Police Officer II and the new member's new rank at the appropriate longevity level.
- \*\* Storekeeper I & Storekeeper II serving as Automotive Parts Warehouse in Cook County.

- 2) Based on the Position's Work Location or Employee's Credential or Residency –

Title	Pay Grade or Salary Range	Location or Residency	Credential	Effective Date	In-Hire Rate
Bridge Tender	MS-18	Department of Transportation	Temporary Employee	January 1, 2017	\$4,696/month
Civil Engineer Trainee	NR-916	None identified	Bachelor's degree in accredited civil engineering program	January 1, 2008	Add to minimum monthly rate \$40/quarter work experience up to 8
Civil Engineer Trainee	NR-916	None identified	Passed Engineering Intern exam	January 1, 2008	Add to minimum monthly rate \$60/month
Civil Engineer Trainee	NR-916	None identified	Job-Related Master's degree	January 1, 2012	Add to minimum monthly rate \$40/month for each year of full-time graduate study as a substitute for job-related

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

					experience up to two years
Conservation/ Historic Preservation Worker	MS-01	Department of Natural Resources	None	January 1, 2018	\$9.00/hour or \$1,468/month
Deck Hand	MS-15	Department of Transportation	Temporary Employee	January 1, 2017	\$4,512/month
Engineering Technician I	NR-916	None identified	Completed 2 years of college in civil engineering or job related technical/ science curriculum (60 semester /90 quarter hours credit)	January 1, 2012	\$2,845
Engineering Technician I	NR-916	None identified	Completed 3 years of college in areas other than civil engineering or job related technical/ science curriculum (90 semester /135 quarter hours credit)	January 1, 2012	\$2,730

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

Engineering Technician I	NR-916	None identified	Associate Degree from an accredited 2 year civil engineering technology program	January 1, 2012	\$2,975
Engineering Technician I	NR-916	None identified	Completed 3 years of college courses in civil engineering or job related technical/science curriculum (90 semester/135 quarter hours credit)	January 1, 2012	\$2,975
Engineering Technician I	NR-916	None identified	Completed 4 years of college courses in areas other than civil engineering or job related technical/science curriculum (120 semester /180 quarter hours credit)	January 1, 2012	\$2,845

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

Engineering Technician I	NR-916	None identified	Completed 4 years of college in civil engineering or job related technical/science curriculum (120 semester/180 quarter hours credit includes appointees from unaccredited engineering programs and those who have not yet obtained a degree)	January 1, 2012	\$3,095
Engineering Technician I and II	NR-916	None identified	Bachelor of Science Degree from an accredited 4 year program in civil engineering technology, industrial technology, and construction technology	January 1, 2012	\$3,510
Ferry Operator I	MS-18	Department of Transportation	Temporary Employee	January 1, 2017	\$4,696/month
Forensic Scientist Trainee	RC-062-15	None identified	Meets minimum	January 1, 2008	Step 1

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

Highway Maintainer	MS-18	Department of Transportation	None identified beyond class	class requirements or completed Forensic Science Residency Program at the U of I-Chicago	October 1, 2007	\$20.55/hour or \$3,575/month
Information Services Intern	RC-063-15	Work outside Cook County	Computer Science degree at 4-year college		January 1, 2008	Step 4
Information Services Intern	RC-063-15	Work in Cook County	Computer Science degree at 4-year college		January 1, 2008	Step 6
Information Services Intern	RC-063-15	Work outside Cook County	Computer Science degree at 2-year technical school		January 1, 2008	Step 2
Information Services Intern	RC-063-15	Work in Cook County	Computer Science degree at 2-year technical school		January 1, 2008	Step 4
Information Services Intern	RC-063-15	Work in Cook County	Non-Computer Science degree at 4-year college		January 1, 2008	Step 3

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

Information Services Specialist I	RC-063-17	Work in Cook County	None identified beyond class requirements	January 1, 2008	Step 2
Juvenile Justice Specialist	RC-006-14	None identified	Master's degree	September 1, 2008	Step 2
Juvenile Justice Specialist Intern	RC-006-11	None identified	Master's degree	September 1, 2008	Step 2
Meat & Poultry Inspector Trainee	RC-029	Work in Regions 1 and 6	None identified beyond class requirements	May 15, 2014	Step 1
Physician Specialist, Option C	RC-063-MD-C	Work in Alton, Chester, Choate, Ludeman, McFarland and Murray facilities	None identified beyond class requirements	May 1, 2018	Step 5
Physician Specialist, Option D	RC-063-MD-D	Work in Alton, Chester, Choate, Ludeman, McFarland and Murray facilities	None identified beyond class requirements	May 1, 2018	Step 5
<del>Products &amp; Standards Inspector Trainee</del>	<del>MS-09</del>	<del>Work in Cook, DuPage, Lake, Kane, and Will counties</del>	<del>None identified beyond class requirements</del>	<del>January 1, 2008</del>	<del>\$3,057</del>
<del>Products &amp; Standards Inspector Trainee</del>	<del>MS-09</del>	<del>Work in counties outside Cook, DuPage, Lake, Kane, and Will counties</del>	<del>None identified beyond class requirements</del>	<del>January 1, 2008</del>	<del>\$2,854</del>

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

Student Intern (Governor's Natural Resources Fellowship Program)	MS-01	Department of Natural Resources	Bachelor's degree in plant or animal ecology, botany, forestry, wildlife biology, ecology or environmental zoology and enrolled in Master's program	September 16, 2013	\$1,600
Telecommunicator	RC-014- 12	Work in District 2	None identified beyond class requirements	January 1, 2008	Step 2
Telecommunicator Trainee	RC-014- 10	Work in Kane County	None identified beyond class requirements	January 1, 2008	Step 3
Telecommunicator Trainee	RC-014- 10	Work in Cook County	None identified beyond class requirements	January 1, 2008	Step 7

3) Trainee Program Only Assigned a Merit Compensation System Salary Range –

<u>Trainee Class Title</u>	<u>Targeted Class Title</u>	<u>Effective Date</u>	<u>Monthly Trainee In-Hire Rate</u>
<u>Account Technician Trainee</u>	<u>Account Technician I</u>	<u>September 29, 2019</u>	<u>\$2,171</u>
<u>Account Technician Trainee</u>	<u>Account Technician II</u>	<u>September 29, 2019</u>	<u>\$2,464</u>

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

<u>Animal and Animal Products Investigator Trainee</u>	<u>Animal and Animal Products Investigator</u>	<u>September 29, 2019</u>	<u>\$2,487</u>
<u>Arson Investigations Trainee</u>	<u>Arson Investigator I</u>	<u>September 29, 2019</u>	<u>\$2,762</u>
<u>Commerce Commission Police Officer Trainee</u>	<u>Commerce Commission Police Officer I</u>	<u>September 29, 2019</u>	<u>\$2,943</u>
<u>Economic Development Representative Trainee</u>	<u>Economic Development Representative I</u>	<u>September 29, 2019</u>	<u>\$2,876</u>
<u>Economist Associate</u>	<u>Research Economist</u>	<u>September 29, 2019</u>	<u>\$2,987</u>
<u>Educator Intern</u>	<u>Educator</u>	<u>September 29, 2019</u>	<u>\$3,649</u>
<u>Fingerprint Technician Trainee</u>	<u>Fingerprint Technician I</u>	<u>September 29, 2019</u>	<u>\$2,434</u>
<u>Governmental Career Trainee</u>	<u>Actuarial Examiner</u>	<u>September 29, 2019</u>	<u>\$2,754</u>
<u>Governmental Career Trainee</u>	<u>Administrative Assistant I</u>	<u>September 29, 2019</u>	<u>\$2,876</u>
<u>Governmental Career Trainee</u>	<u>Appraisal Specialist I</u>	<u>September 29, 2019</u>	<u>\$2,487</u>
<u>Governmental Career Trainee</u>	<u>Community Management Specialist I</u>	<u>September 29, 2019</u>	<u>\$2,539</u>
<u>Governmental Career Trainee</u>	<u>Criminal Intelligence Analyst I</u>	<u>September 29, 2019</u>	<u>\$3,023</u>

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

<u>Governmental Career Trainee</u>	<u>Criminal Justice Specialist I</u>	<u>September 29, 2019</u>	<u>\$2,754</u>
<u>Governmental Career Trainee</u>	<u>Executive I</u>	<u>September 29, 2019</u>	<u>\$3,023</u>
<u>Governmental Career Trainee</u>	<u>Industrial &amp; Community Development Representative I</u>	<u>September 29, 2019</u>	<u>\$2,876</u>
<u>Governmental Career Trainee</u>	<u>Local Revenue and Fiscal Advisor I</u>	<u>September 29, 2019</u>	<u>\$2,539</u>
<u>Governmental Career Trainee</u>	<u>Methods and Procedures Advisor I</u>	<u>September 29, 2019</u>	<u>\$2,487</u>
<u>Governmental Career Trainee</u>	<u>Public Information Officer III</u>	<u>September 29, 2019</u>	<u>\$3,182</u>
<u>Governmental Career Trainee</u>	<u>Statistical Research Specialist II</u>	<u>September 29, 2019</u>	<u>\$2,556</u>
<u>Governmental Career Trainee</u>	<u>Unemployment Insurance Revenue Analyst II</u>	<u>September 29, 2019</u>	<u>\$2,876</u>
<u>Human Resources Trainee</u>	<u>Human Resources Assistant</u>	<u>September 29, 2019</u>	<u>\$2,036</u>
<u>Human Resources Trainee</u>	<u>Human Resources Associate</u>	<u>September 29, 2019</u>	<u>\$2,254</u>
<u>Human Resources Trainee</u>	<u>Human Resources Representative</u>	<u>September 29, 2019</u>	<u>\$2,611</u>
<u>Human Rights Investigator Trainee</u>	<u>Human Rights Investigator I</u>	<u>September 29, 2019</u>	<u>\$2,697</u>

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

<u>Insurance Performance Examiner Trainee</u>	<u>Insurance Performance Examiner I</u>	<u>September 29, 2019</u>	<u>\$2,697</u>
<u>Internal Auditor Trainee</u>	<u>Internal Auditor I</u>	<u>September 29, 2019</u>	<u>\$2,854</u>
<u>Internal Auditor Trainee</u>	<u>Methods and Procedures Advisor III</u>	<u>September 29, 2019</u>	<u>\$2,854</u>
<u>Land Reclamation Specialist Trainee</u>	<u>Land Reclamation Specialist I</u>	<u>September 29, 2019</u>	<u>\$2,697</u>
<u>Liability Claims Adjuster Trainee</u>	<u>Liability Claims Adjuster I</u>	<u>September 29, 2019</u>	<u>\$2,487</u>
<u>Management Operations Analyst Trainee</u>	<u>Management Operations Analyst I</u>	<u>September 29, 2019</u>	<u>\$3,023</u>
<u>Medicaid Management Intern</u>	<u>Medicaid Management Analyst</u>	<u>September 29, 2019</u>	<u>\$3,103</u>
<u>Natural Resources Coordinator Trainee</u>	<u>Natural Resources Coordinator</u>	<u>September 29, 2019</u>	<u>\$2,697</u>
<u>Office Occupations Trainee</u>	<u>Account Clerk I</u>	<u>September 29, 2019</u>	<u>\$1,820</u>
<u>Office Occupations Trainee</u>	<u>Data Processing Operator</u>	<u>September 29, 2019</u>	<u>\$1,820</u>
<u>Office Occupations Trainee</u>	<u>Microfilm Operator I</u>	<u>September 29, 2019</u>	<u>\$1,820</u>
<u>Office Occupations Trainee</u>	<u>Office Aide</u>	<u>September 29, 2019</u>	<u>\$1,739</u>
<u>Office Occupations Trainee</u>	<u>Office Assistant</u>	<u>September 29, 2019</u>	<u>\$1,924</u>

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## NOTICE OF EMERGENCY AMENDMENTS

<u>Office Occupations Trainee</u>	<u>Office Associate</u>	<u>September 29, 2019</u>	<u>\$2,036</u>
<u>Office Occupations Trainee</u>	<u>Office Clerk</u>	<u>September 29, 2019</u>	<u>\$1,820</u>
<u>Polygraph Examiner Trainee</u>	<u>Polygraph Examiner I</u>	<u>September 29, 2019</u>	<u>\$3,103</u>
<u>Products and Standards Inspector Trainee</u>	<u>Products and Standards Inspector</u>	<u>September 29, 2019</u>	<u>\$3,057 for Cook, DuPage, Lake, Kane and Will Counties and \$2,854 for all others</u>
<u>Psychology Intern</u>	<u>Psychologist I</u>	<u>September 29, 2019</u>	<u>Minimum of the salary range assigned to the trainee class title</u>
<u>Public Administration Intern</u>	<u>Accountant</u>	<u>September 29, 2019</u>	<u>Minimum of the salary range assigned to the trainee class title</u>
<u>Public Administration Intern</u>	<u>Accountant Supervisor</u>	<u>September 29, 2019</u>	<u>\$3,023</u>
<u>Public Administration Intern</u>	<u>Administrative Assistant I</u>	<u>September 29, 2019</u>	<u>\$2,876</u>
<u>Public Administration Intern</u>	<u>Administrative Assistant II</u>	<u>September 29, 2019</u>	<u>\$3,182</u>
<u>Public Administration Intern</u>	<u>Agricultural Marketing Representative</u>	<u>September 29, 2019</u>	<u>\$3,023</u>

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## NOTICE OF EMERGENCY AMENDMENTS

<u>Public Administration Intern</u>	<u>Assignment Coordinator</u>	<u>September 29, 2019</u>	<u>\$3,271</u>
<u>Public Administration Intern</u>	<u>Business Manager</u>	<u>September 29, 2019</u>	<u>\$3,023</u>
<u>Public Administration Intern</u>	<u>Correctional Casework Supervisor</u>	<u>September 29, 2019</u>	<u>\$3,547</u>
<u>Public Administration Intern</u>	<u>Economic Development Representative I</u>	<u>September 29, 2019</u>	<u>\$2,876</u>
<u>Public Administration Intern</u>	<u>Economic Development Representative II</u>	<u>September 29, 2019</u>	<u>\$3,182</u>
<u>Public Administration Intern</u>	<u>Executive I</u>	<u>September 29, 2019</u>	<u>\$3,023</u>
<u>Public Administration Intern</u>	<u>Executive II</u>	<u>September 29, 2019</u>	<u>\$3,271</u>
<u>Public Administration Intern</u>	<u>Historical Research Specialist</u>	<u>September 29, 2019</u>	<u>\$3,271</u>
<u>Public Administration Intern</u>	<u>Human Resources Representative</u>	<u>September 29, 2019</u>	<u>Minimum of the salary range assigned to the trainee class title</u>
<u>Public Administration Intern</u>	<u>Human Resources Specialist</u>	<u>September 29, 2019</u>	<u>\$2,547</u>
<u>Public Administration Intern</u>	<u>Human Rights Mediator</u>	<u>September 29, 2019</u>	<u>\$2,876</u>
<u>Public Administration Intern</u>	<u>Human Services Casework Manager</u>	<u>September 29, 2019</u>	<u>\$3,271</u>

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<u>Public Administration Intern</u>	<u>Industrial &amp; Community Development Representative I</u>	<u>September 29, 2019</u>	<u>\$2,876</u>
<u>Public Administration Intern</u>	<u>Industrial &amp; Community Development Representative II</u>	<u>September 29, 2019</u>	<u>\$3,182</u>
<u>Public Administration Intern</u>	<u>Internal Security Investigator I</u>	<u>September 29, 2019</u>	<u>\$3,271</u>
<u>Public Administration Intern</u>	<u>Internal Security Investigator II</u>	<u>September 29, 2019</u>	<u>\$3,865</u>
<u>Public Administration Intern</u>	<u>Labor Conciliator</u>	<u>September 29, 2019</u>	<u>\$3,271</u>
<u>Public Administration Intern</u>	<u>Librarian II</u>	<u>September 29, 2019</u>	<u>\$3,023</u>
<u>Public Administration Intern</u>	<u>Management Operations Analyst II</u>	<u>September 29, 2019</u>	<u>\$3,271</u>
<u>Public Administration Intern</u>	<u>Management Systems Specialist</u>	<u>September 29, 2019</u>	<u>\$3,547</u>
<u>Public Administration Intern</u>	<u>Mental Health Administrator I</u>	<u>September 29, 2019</u>	<u>\$3,023</u>
<u>Public Administration Intern</u>	<u>Public Information Coordinator</u>	<u>September 29, 2019</u>	<u>\$3,023</u>
<u>Public Administration Intern</u>	<u>Public Information Officer III</u>	<u>September 29, 2019</u>	<u>\$3,182</u>
<u>Public Administration Intern</u>	<u>Public Service Administrator</u>	<u>September 29, 2019</u>	<u>\$2,968</u>
<u>Public Administration Intern</u>	<u>Senior Public Service Administrator</u>	<u>September 29, 2019</u>	<u>\$4,090</u>

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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<u>Public Administration Intern</u>	<u>Staff Development Specialist I</u>	<u>September 29, 2019</u>	<u>\$3,023</u>
<u>Public Administration Intern</u>	<u>Statistical Research Specialist III</u>	<u>September 29, 2019</u>	<u>\$2,876</u>
<u>Public Administration Intern</u>	<u>Statistical Research Supervisor</u>	<u>September 29, 2019</u>	<u>\$3,271</u>
<u>Resident Physician</u>	<u>Medical Administrator I - Option C</u>	<u>September 29, 2019</u>	<u>\$8,013</u>
<u>Resident Physician</u>	<u>Medical Administrator I - Option D</u>	<u>September 29, 2019</u>	<u>\$8,949</u>
<u>Resident Physician</u>	<u>Physician Specialist - Option A</u>	<u>September 29, 2019</u>	<u>\$5,040</u>
<u>Resident Physician</u>	<u>Physician Specialist - Option B</u>	<u>September 29, 2019</u>	<u>\$5,191</u>
<u>Resident Physician</u>	<u>Physician Specialist - Option C</u>	<u>September 29, 2019</u>	<u>\$8,660</u>
<u>Resident Physician</u>	<u>Physician Specialist - Option D</u>	<u>September 29, 2019</u>	<u>\$5,508</u>
<u>Resident Physician</u>	<u>Physician Specialist - Option E</u>	<u>September 29, 2019</u>	<u>\$10,297</u>
<u>Retirement Benefits Representative Trainee</u>	<u>Retirement Benefits Representative</u>	<u>September 29, 2019</u>	<u>\$2,347</u>
<u>Seed Analyst Trainee</u>	<u>Seed Analyst I</u>	<u>September 29, 2019</u>	<u>\$2,347</u>
<u>Social Worker Intern</u>	<u>Social Worker I</u>	<u>September 29, 2019</u>	<u>Minimum of the salary range</u>

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			<u>assigned to the trainee class title</u>
<u>Student Intern (Other than the Governor's Natural Resources Fellowship Program at DNR)</u>	<u>None</u>	<u>September 29, 2019</u>	<u>Minimum of the salary range assigned to the trainee class title</u>
<u>Student Intern (Governor's Natural Resources Fellowship Program at DNR)</u>	<u>None</u>	<u>September 29, 2019</u>	<u>\$1,600 for Bachelor's degree in plant or animal ecology, botany, forestry, wildlife biology, ecology or environmental zoology and enrolled in Master's program</u>
<u>Student Worker</u>	<u>None</u>	<u>September 29, 2019</u>	<u>Minimum of the salary range assigned to the trainee class title</u>
<u>Telecommunications Systems Technician Trainee</u>	<u>Telecommunications Systems Technician I</u>	<u>September 29, 2019</u>	<u>\$2,171</u>
<u>Well Inspector Trainee</u>	<u>Well Inspector I</u>	<u>September 29, 2019</u>	<u>\$2,487</u>

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 14216, effective November 22, 2019, for a maximum of 150 days)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

**Section 310.50 Definitions****EMERGENCY**

The following definitions of terms are for purposes of clarification only. They affect the Schedule of Rates (Subpart B), and Negotiated Rates of Pay (Appendix A). Section 310.50 contains definitions of terms applying specifically to the Merit Compensation System.

"Adjustment in Salary" – A change in salary rate occasioned by a previously committed error or oversight, or required in the best interest of the State as defined in Sections 310.80 and 310.90.

"Anticipated Starting Salary" – A position-specific rate or range within the pay grade or salary range assigned to the classification title to which the position being filled is allocated and based on the value of the work to be performed in the position description. The anticipated starting salary is published in the posting of a position opening. When valuing the work to be performed in the position description, agencies, boards and commissions shall consider questions based on the factors located in Section 310.80(e). The factors are: is the valuation consistent with the treatment of other similar situations; is the valuation equitable in view of the particular circumstances; what are the staffing needs and requirements of the employing agency; and are there labor market influences on recruitment for the classification or position. Some of the questions to be considered are: how are others in this title in the agency compensated; how many staff does the position supervise; what is the scope of the position's area of responsibility; is the position similar to positions at other agencies and if so, how are those employees compensated; what types of subordinates report to the position and how are they compensated; does this position require a license that is difficult to obtain; has the agency unsuccessfully attempted to fill the position and if so, how many times; and if the position has private sector counterparts, how are they compensated? This is a non-exhaustive list of factors and questions for agencies, boards and commissions to consider when developing an "Anticipated Starting Salary."

"Bargaining Representative" – The sole and exclusive labor organization (union, chapter, lodge or association) recognized, as noted in an agreement with the State of Illinois, to negotiate for one or more bargaining units and may include one or more locals.

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"Bargaining Unit" – The sole and exclusive labor organization that represents and includes at least one position and its appointed employee as specified in a Certification of Representative, Certification of Clarified Unit or corrected certification issued by the Illinois Labor Relations Board as authorized by Sections 6(c) and 9(d) of the Illinois Public Labor Relations Act [5 ILCS 315].

"Base Salary" – A dollar amount of pay specifically designated in the Negotiated Rates of Pay (Appendix A) or Schedule of Rates (Subpart B). Base salary does not include commission, incentive pay, bilingual pay, longevity pay, overtime pay, shift differential pay or deductions for time not worked.

"Bilingual Pay" – The dollar amount per month, or percentage of the employee's monthly base salary, paid in addition to the employee's base salary when the individual position held by the employee has a job description that requires the use of sign language, Braille, or another second language (e.g., Spanish), or that requires the employee to be bilingual.

"Classification" – The classification established by the Department of Central Management Services and approved by the Civil Service Commission based on Section 8a(1) of the Personnel Code [20 ILCS 415] and to which one or more positions are allocated based upon similarity of duties performed, responsibilities assigned and conditions of employment. Classification may be abbreviated to "class" and referred to by its title or title code.

"Class Specification" – The document comprising the title, title code, effective date, distinguishing features of work, illustrative examples of work and desirable requirements.

"Comparable Classes" – Two or more classes that are in the same pay grade.

"Creditable Service" – All service in full or regularly scheduled part-time pay status beginning with the date of initial employment or the effective date of the last salary increase that was at least equivalent to a full step.

"Demotion" – The assignment for cause of an employee to a vacant position in a class in a lower pay grade than the former class.

"Differential" – The additional compensation added to the base salary of an employee resulting from conditions of employment imposed on the employee

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

during normal schedule of work.

"Divided Class" – The classification established by Section 8a(1) of the Personnel Code [20 ILCS 415], represented by more than one bargaining unit as certified by the Illinois Labor Relations Board. The divided classes effective March 11, 2019 are:

<b>Title</b>	<b>Title Code</b>
Apparel/Dry Goods Specialist III	01233
Bridge Mechanic	05310
Bridge Tender	05320
Civil Engineer I	07601
Civil Engineer II	07602
Civil Engineer III	07603
Clinical Laboratory Associate	08200
Clinical Laboratory Technician I	08215
Clinical Laboratory Technician II	08216
Educator	13100
Educator Aide	13130
Engineering Technician II	13732
Engineering Technician III	13733
Engineering Technician IV	13734
Heavy Construction Equipment Operator	18465
Highway Maintainer	18639
Highway Maintenance Lead Worker	18659
Housekeeper	19600
Labor Maintenance Lead Worker	22809
Laboratory Assistant	22995
Laboratory Associate I	22997
Laboratory Associate II	22998
Laborer (Maintenance)	23080
Licensed Practical Nurse I	23551
Licensed Practical Nurse II	23552
Maintenance Equipment Operator	25020
Maintenance Worker	25500
Pest Control Operator	31810
Power Shovel Operator (Maintenance)	33360
Property and Supply Clerk II	34792
Property and Supply Clerk III	34793

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Public Service Administrator	37015
Silk Screen Operator	41020
Social Service Aide Trainee	41285
Storekeeper I	43051
Storekeeper II	43052
Storekeeper III	43053
Stores Clerk	43060

"Entrance Base Salary" – The initial base salary assigned to an employee upon entering State service.

"Hourly Pay Grade" – The designation for hourly negotiated pay rates is "H".

"In Between Pay Grade" – The designation for negotiated pay rates in between pay grades is ".5".

"In-hire Rate" – An in-hire rate is a minimum rate/step for a class that is above or below the normal minimum of the range or full scale rate, as approved by the Director of Central Management Services after a review of competitive market starting rates for similar classes or as negotiated between the Director of Central Management Services and a bargaining unit.

"Midpoint Salary" – The rate of pay that is the maximum rate and the minimum rate in the salary range added together divided by two and rounded up or down to the nearest whole dollar.

"Option" – The denotation of directly-related education, experience and/or knowledge, skills and abilities required to qualify for the position allocated to the classification. The requirements may meet or exceed the requirements indicated in the class specification. The following options are for the Public Service Administrator classification and have a negotiated pay grade and/or a broad-banded salary range assigned:

- 1 = General Administration/Business/Marketing/Labor/Personnel
- 2 = Fiscal Management/Accounting/Budget/Internal  
Audit/Insurance/Financial
- 2B = Financial Regulatory
- 2C = Economist
- 3 = Management Information System/Data Processing/Telecommunications

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- 3J = Java Application Developer
- 3N = Networking
- 4 = Physical Sciences/Environment
- 6 = Health and Human Services
- 6C = Health Statistics
- 6D = Health Promotion/Disease Prevention
- 6E = Laboratory Specialist
- 6F = Infectious Disease
- 6G = Disaster/Emergency Medical Services
- 6H = Illinois Council on Developmental Disabilities Program Specialist
- 6I = Rehabilitation Counseling
- 7 = Law Enforcement/Correctional
- 7A = Special Agent Supervisor
- 8A = Special License – Architect License
- 8B = Special License – Boiler Inspector License
- 8C = Special License – Certified Public Accountant
- 8D = Special License – Federal Communications Commission  
License/National Association of Business and Educational Radio
- 8E = Special License – Engineer (Professional)
- 8F = Special License – Federal Aviation Administration Medical  
Certificate/First Class
- 8G = Special License – Clinical Professional Counselor
- 8H = Special License – Environmental Health Practitioner
- 8I = Special License – Professional Land Surveyor License
- 8J = Food Sanitation Certificate/Licensed Dietician
- 8K = Special License – Licensed Psychologist
- 8L = Special License – Law License
- 8N = Special License – Registered Nurse License
- 8O = Special License – Occupational Therapist License
- 8P = Special License – Pharmacist License
- 8Q = Special License – Religious Ordination by Recognized Commission
- 8R = Special License – Dental Hygienist
- 8S = Special License – Social Worker/Clinical Social Worker
- 8T = Special License – Professional Educator License and Administrative  
Endorsement

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- 8U = Special License – Physical Therapist License
- 8V = Special License – Audiologist License
- 8W = Special License – Speech-Language Pathologist License
- 8Y = Special License – Plumbing License
- 8Z = Special License – Special Metrologist Training
- 9A = Special License – Certified Internal Auditor
- 9B = Special License – Certified Information Systems Auditor
- 9C = Special License – Landscape Architect
- 9D = Special License – Certified Real Estate Appraisal License
- 9G = Special License – Registered Professional Geologist License

The following options are for the Senior Public Service Administrator classification and have a negotiated pay grade and/or a broad-banded salary range assigned:

- 1 = General Administration/Business/Marketing/Labor/Personnel
- 2 = Fiscal Management/Accounting/Budget/ Internal  
Audit/Insurance/Financial
- 2A = Revenue Audit Field Manager
- 2B = Financial Regulatory
- 2C = Economist
- 3 = Management Information System/Data Processing/Telecommunications
- 4 = Physical Sciences/Environment
- 5 = Agriculture/Conservation
- 6 = Health and Human Services
- 6H = Developmental Disabilities Program Policy
- 7 = Law Enforcement/Correctional
- 7A = Criminal Investigation Chief
- 8A = Special License – Architect License
- 8B = Special License – Boiler Inspector License
- 8C = Special License – Certified Public Accountant/Certified Internal  
Auditor/Certified Information Systems Auditor
- 8D = Special License – Dental License
- 8E = Special License – Engineer (Professional)
- 8F = Special License – Clinical Professional Counseling
- 8G = Special License – Geologist License

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- 8H = Special License – Environmental Health Practitioner
- 8I = Special License – Illinois Auctioneer License
- 8K = Special License – Licensed Psychologist
- 8L = Special License – Law License (Illinois)
- 8M = Special License – Veterinary Medicine License
- 8N = Special License – Nurse (Registered IL) License
- 8O = Special License – Occupational Therapist License
- 8P = Special License – Pharmacist License
- 8Q = Special License – Nursing Home Administration License
- 8R = Special License – Real Estate Brokers License
- 8S = Special License – Social Worker/Clinical Social Worker
- 8T = Special License – Professional Educator License and Administrative Endorsement
- 8U = Special License – Landscape Architect
- 8Z = Special License – Certified Real Estate Appraisal License

Other classification titles contain an option and the option also may denote differences in the distinguishing features of work indicated in the classification specification. The classification titles containing an option are:

- Children and Family Service Intern, Option 1
- Children and Family Service Intern, Option 2
- Health Services Investigator II, Option A – General
- Health Services Investigator II, Option C – Pharmacy
- Substance Inspector
- Juvenile Justice Youth and Family Specialist Option 1
- Juvenile Justice Youth and Family Specialist Option 2
- Medical Administrator I Option C
- Medical Administrator I Option D
- Medical Administrator II Option C
- Medical Administrator II Option D
- Physician Specialist – Option A
- Physician Specialist – Option B
- Physician Specialist – Option C
- Physician Specialist – Option D
- Physician Specialist – Option E
- Research Fellow, Option B

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"Pay Grade" – The numeric designation used for an established set of steps or salary range.

"Pay Plan Code" – The designation used in assigning a specific salary rate based on a variety of factors associated with the position. Pay Plan Codes used in the Pay Plan are:

- B = Negotiated regular pension formula rate for the State of Illinois
- E = Educator title AFSCME negotiated 12-month regular pension formula rate for the State of Illinois
- J = Negotiated regular pension formula rate for states other than Illinois, California or New Jersey
- L = Educator title AFSCME negotiated 12-month alternative pension formula rate for the State of Illinois
- M = Educator title AFSCME negotiated 9-month regular pension formula rate at the Illinois School for the Visually Impaired
- N = Educator title Illinois Federation of Teachers negotiated 9-month regular pension formula rate for the Illinois School for the Deaf
- O = Educator title AFSCME negotiated 9-month regular pension formula rate at the Illinois Center for Rehabilitation and Education-Roosevelt
- P = Educator title AFSCME negotiated 12-month maximum-security institution rate for the State of Illinois
- Q = Negotiated alternative pension formula rate for the State of Illinois
- S = Negotiated maximum-security institution rate for the State of Illinois
- U = Negotiated regular pension formula rate for the state of California or New Jersey
- V = Educator title AFSCME negotiated 9-month regular pension formula rate at the Department of Juvenile Justice
- W = Educator title AFSCME negotiated 9-month alternative pension formula rate at the Department of Juvenile Justice
- X = Educator title AFSCME negotiated 9-month maximum security

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rate at the Department of Juvenile Justice

"Promotion" – The appointment of an employee, with the approval of the agency and the Department of Central Management Services, to a vacant position in a class in a higher pay grade than the former class.

"Reallocation" – A position action in which gradual changes in a single position's assigned duties and responsibilities accumulate and result in the assignment of the position to another class.

"Reclassification" – A position action that occurs subsequent to approval of a new or revised classification by the Civil Service Commission and results in the assignment of a position or positions to a different class.

"Reevaluation" – The assignment of a different pay grade to a class based upon change in relation to other classes or to the labor market.

"Salary Range" – The dollar value represented by Steps 1c through 8 of a pay grade assigned to a class title.

"Satisfactory Performance Increase" – An upward revision in the base salary from one designated step to the next higher step in the pay grade for that class as a result of having served the required amount of time at the former rate with not less than a satisfactory level of competence. (Satisfactory level of competence shall mean work, the level of which, in the opinion of the agency head, is above that typified by the marginal employee.)

"Transfer" – The assignment of an employee to a vacant position having the same pay grade.

"Whole Class" – The classification established by Section 8a(1) of the Personnel Code [20 ILCS 415], represented by no more than one bargaining unit as certified by the Illinois Labor Relations Board and to which no more than one bargaining unit pay grade is assigned.

"Work Year" – That period of time determined by the agency and filed with the Department of Central Management Services in accordance with 80 Ill. Adm. Code 303.300.

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(Source: Amended by emergency rulemaking at 43 Ill. Reg. 14216, effective November 22, 2019, for a maximum of 150 days)

**Section 310.100 Other Pay Provisions****EMERGENCY**

- a) Transfer – Upon the assignment of an employee to a vacant position in a class with the same pay grade as the class for the position being vacated, the employee's base salary will not be changed. Upon separation from a position in a given class and subsequent appointment to a position in the same pay grade, no increase in salary will be given.
- b) Entrance Base Salary – State agencies, boards and commissions shall not seek, request or require a candidate's current wage or salary history. Agencies, boards and commissions shall not use an applicant's current wage or salary history to screen applicants or request or require current wage or salary history information as a condition for being considered for employment or for an offer of employment. Agencies, boards and commissions shall stop the verification of a candidate's current wage or salary history. Each agency, board or commission shall identify any location (website, form or process) where current or past wage or salary is requested and remove the request. If a candidate inadvertently or voluntarily without prompting discloses the candidate's current or past wage or salary, including benefits or other compensation, the agency, board or commission shall not consider or rely on the information in a current or future salary offer and shall disregard the information.
  - 1) Qualifications Only Meet Minimum Requirements – When a candidate only meets the minimum requirements of the class specification upon entry to State service, an employee's entrance base salary is the in-hire rate or the minimum base salary of the pay grade.
  - 2) Qualifications Above Minimum Requirements – If a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary that is not more than 5% above the candidate's current base salary. Any deviation from the 5% maximum is a special salary adjustment (see Section 310.80(e)).
  - 3) Area Differential – For positions where additional compensation is

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required because of dissimilar economic or other conditions in the geographical area in which the positions are established, a higher entrance step may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate shall be advanced to the new rate.

- c) Geographical Transfer – Upon geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment effective the first day of the month following date of approval.
- d) Differential and Overtime Pay – An eligible employee may have an amount added to the employee's base salary for a given pay period for work performed in excess of the normal requirements for the position and work schedule, as follows:
  - 1) Shift Differential Pay –
    - A) When Contract Contains No Provision – The contracts without a shift differential pay provision are for the RC-036, RC-056, RC-090, RC-184 and VR-706 bargaining units. An employee may be paid an amount in addition to the employee's base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
    - B) When Contract Contains a Provision – The shift differential pay provision in a contract is located in the Note in the Appendix A Table that exists for the specific bargaining unit. The Appendix A Tables with a shift differential pay provision are D (HR-001), E (RC-020), F (RC-019), G (RC-045), H (RC-006), I (RC-009), J (RC-014), K (RC-023), N (RC-010), O (RC-028), P (RC-029), Q (RC-061), R (RC-042), S (VR-704), V (CU-500), W (RC-062), X (RC-063), Y (RC-063), Z (RC-063) and AA (NR-916).

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- 2) Overtime Pay –
  - A) Eligibility – The Director of Central Management Services will maintain a list of titles and their overtime eligibility as determined by labor contracts, Federal Fair Labor Standards Act, or State law or regulations. Overtime shall be paid in accordance with the labor contracts, Federal Fair Labor Standards Act, and State law or regulations.
  - B) Compensatory Time –
    - i) When Contract Contains No Provision – Employees who are eligible for compensatory time may request such time, which may be granted by the agency at its discretion, considering, among other things, its operating needs. Compensatory time shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Compensatory time shall be accrued at the rate in which it is earned (straight time or time and a half), but shall not exceed 120 hours in any fiscal year. Compensatory time approved for non-union employees will be earned after 40 actual work hours in a workweek. Compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned. Time spent in travel outside the normal work schedule shall not be accrued as compensatory time except as provided by labor contracts and the Federal Fair Labor Standards Act. At no time are overtime hours or compensatory time to be transferred from one agency to another agency.
    - ii) When Represented by AFSCME – If evidence demonstrates that circumstances prevented an employee from receiving a rest period or resulted in a rest period being interrupted, and no alternative time is authorized, the employee shall be entitled to compensatory time. For employees represented by AFSCME except CU-500, accrued compensatory time not used by the end of the fiscal

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year in which it was earned shall be liquidated and paid in cash at the rate it was earned. Notwithstanding the above, employees who schedule compensatory time off by June 30th of the fiscal year shall be allowed to use the time through August 15<sup>th</sup> of the subsequent fiscal year. For employees represented by CU-500, hours worked in excess of the established work week but less than forty (40) shall not normally be compensated, provided that for such time so worked, compensatory overtime shall be accrued at the rate equal to the time so worked and compensatory time off shall be granted by the Employer within the fiscal year earned at a time convenient to the employee consistent with the operating needs of the Employer, and if not so granted or taken, accrued compensatory time shall be liquidated in cash before the end of the fiscal year in which earned. Notwithstanding the above, employees who schedule compensatory off by June 1st of the fiscal year shall be allowed to use such time through August 1st of the following fiscal year. Employees who earn compensatory time after June 1st shall be allowed to use such compensatory time through August 15th of the subsequent fiscal year. Employees who receive an unpaid lunch period and are required to work at their work assignments during such period and who are not relieved, shall have such time counted as hours worked for the purposes of Section 2 below and shall be compensated at the appropriate compensatory straight or overtime rate, whichever may be applicable. Where it is currently the practice, whenever only one (1) Lieutenant is scheduled to work a particular shift, if the Lieutenant is not able to be relieved, a paid lunch shall be granted. The "purposes of Section 2 below" is being clarified with AFSCME.

- 3) Incentive Pay – An employee may be paid an amount in addition to the employee's base salary for work performed in excess of the normal work standard as determined by agency management. The additional compensation shall be at a wage rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision

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after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

- 4) Temporary Assignment Pay –
  - A) When Assigned to a Higher-Level Position Classification –
    - i) When Contract Contains No Provision – A bargaining unit employee may be temporarily assigned to a bargaining unit position in a position classification having a higher pay grade and shall be eligible for temporary assignment pay. To be eligible for temporary assignment pay, the employee must be directed to perform the duties that distinguish the higher-level position classification and be held accountable for the responsibility of the higher classification. Employees shall not receive temporary assignment pay for paid days off except if the employee is given the assignment for 30 continuous days or more, the days off fall within the period of time and the employee works 75% of the time of the temporary assignment. Temporary assignment pay shall be calculated as if the employee received a promotion (see Section 310.80(d)(1)) into the higher pay grade. In no event is the temporary assignment pay to be lower than the minimum rate of the higher pay grade or greater than the maximum rate of the higher pay grade.
    - ii) When Represented by AFSCME – If the employee who has been temporarily assigned is selected for the posted vacancy, the employee shall have the employee's creditable service date adjusted to reflect the first date on which the employee was temporarily assigned without interruption. The uninterrupted time in a temporary assignment shall be credited in determining semi-automatic promotions, if the employee successfully performed the duty or duties which distinguish the position to which the employee has been temporarily assigned. When an employee in a position allocated to the Public Service Administrator title

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represented by an AFSCME bargaining unit is temporarily assigned to a non-bargaining unit position, the time frames shall not exceed nine months, unless mutually agreed otherwise. For other titles, the time limits for temporarily filling a position classification are in terms of work days or calendar months. The time limit herein may be extended by mutual agreement of the parties. The time limits are: While the Employer posts and fills a job vacancy for a period of 60 days from the date of posting; While an absent regular incumbent is utilizing sick leave, or accumulated time (vacation, holidays, personal days); Up to 30 work days in a six calendar month period while a regular incumbent is on disciplinary suspension or layoff; While a regular incumbent is attending required training classes; Up to six months while a regular incumbent is on any illness or injury, Union or jury leave of absence. Extension shall not be unreasonably denied; and Up to 90 work days in a 12 month period for other leaves, or where there is temporary change in work load, or other reasonable work related circumstances. Extension shall not be unreasonably denied.

- B) When Required to Use Second Language Ability – Employees who are bilingual or have the ability to use sign language, Braille, or another second language (e.g., Spanish) and whose job descriptions do not require that they do so shall be paid temporary assignment pay when required to perform duties requiring the ability. The temporary assignment pay received is prorated based on 5% or \$100 per month, whichever is greater, in addition to the employee's base rate.
  - C) When Required to Apply Chemical Manually and Represented By Teamsters RC-019 – Employees represented by RC-019 and appointed to the Highway Maintainer title who are required to perform duties of manual chemical application which require proper certification in chemical spraying shall receive \$1.00 an hour over their base pay during the time they are applying the chemical.
- 5) Travel for Required Training –

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- A) When Represented by American Federation of State, County and Municipal Employees (AFSCME) – When an employee is in a position represented by an AFSCME bargaining unit, overtime shall be paid to the employee required to travel for training, orientation, or professional development when travel is in excess of the employee's normal commute and outside the employee's normal work hours. Where current practice exists, the employee who is paid overtime for travel during the employee's normal commute time outside normal work time, the practice shall continue.
- B) When represented by Illinois Federation of Public Employees (IFPE) RC-029 – When an employee is in a position represented by IFPE RC-029 and in the Department of Agriculture, time spent traveling from an employee's residence to and/or from a work site in Cook, Will, Lake, DuPage, McHenry and Kane Counties is not considered work time except when an employee is required to travel in excess of 20 miles one way or 25 minutes as measured from the employee's official headquarters in which case the miles in excess of 20 miles or minutes in excess of 25 minutes will be considered work time. The workday shall commence at the time of the pre-trip inspection for employees assigned to drive vehicles that require a commercial driver's license.
- e) Out-of-State Assignment – Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
- f) Equivalent Earned Time – Employees shall retain their equivalent earned time upon their positions' representation by an American Federation of State, County and Municipal Employees bargaining unit. The use of the equivalent earned time is approved by supervisors, prior to other benefit time excluding sick and personal business leave, in increments of 15 minutes after the initial use of one-half hour, and granted under the same criteria as vacation time. Employees may substitute

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equivalent earned time for sick leave in accordance to sick leave policies and procedures.

- g) Part-Time Work – Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily basis computed by dividing the annual rate of salary by the total number of work days in the year.
- h) Lump Sum Payment – Lump sum payment shall be provided for accrued vacation, sick leave and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum cannot be given in these transactions. Method of computation is explained in Section 310.70(a).

AGENCY NOTE – The method to be used in computing the lump sum payment for accrued vacation, sick leave and unused compensatory overtime payment for an incumbent entitled to shift differential during the employee's regular work hours will be to use the employee's current base salary plus the shift differential pay. Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of compensable sick days.

- i) Salary Treatment Upon Return From Leave –
  - 1) An employee returning from Military Leave (80 Ill. Adm. Code 302.220 and 303.170), Peace Corps Leave (80 Ill. Adm. Code 302.230), Service-Connected Disability Leave (80 Ill. Adm. Code 303.135), Educational Leave (80 Ill. Adm. Code 302.215), Disaster Service Leave With Pay (80 Ill. Adm. Code 303.175), Disaster Service Leave With Pay – Terrorist Attack (80 Ill. Adm. Code 303.176), Family Responsibility Leave (80 Ill. Adm. Code 303.148), Leave to accept a temporary, emergency, provisional, exempt (80 Ill. Adm. Code 303.155) or trainee position, Leave to serve in domestic peace or job corps (80 Ill. Adm. Code 302.230) or leave to serve in an interim assignment will be placed on the step that reflects satisfactory performance increases to which the employee would have been entitled during the employee's period of leave. Creditable service date will be maintained.

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- 2) An employee returning to the employee's former pay grade from any other leave (not mentioned in subsection (i)(1)) of over 14 days will be placed at the step on which the employee was situated prior to the employee's leave, and the employee's creditable service date will be extended by the duration of the leave.
- j) Salary Treatment Upon Reemployment –
- 1) Upon the reemployment of an employee in a class with the same pay grade as the class for the position held before layoff, the employee will be placed at the same salary step as held at the time of the layoff, and the employee's creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
  - 2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the step in the lower pay grade that provides the base salary nearest in amount to, but less than, the current value of the step held at the time of layoff, and the employee's creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
- k) Reinstatement –
- 1) For Former State Employees Subject to the Personnel Code Who Had Intervening Employment Outside of State Government – For former state employees subject to the Personnel Code who had intervening employment outside of state government shall be paid under the conditions and requirements applicable to entrance base salary (see subsection (b)).
  - 2) For Former State Employees Subject to the Personnel Code Who Had No Intervening Employment Or Only Had Intervening State Government Employment – For former state employees subject to the Personnel Code who had no intervening employment or only had intervening state government employment, theThe salary upon reinstatement should not provide more than a 5% increase over the candidate's current base salary or exceed the current value of the salary step held in the position where previously certified without prior approval by the Director of Central

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Management Services. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the pay grade. Any deviation from the 5% maximum, except when the resulting salary is the minimum rate of the pay grade, is a special salary adjustment (see Section 310.80(e)).

- l) Longevity Pay or Longevity Step and Bonus –
  - 1) When Contract Contains No Provision – The contracts without a longevity pay provision are for the HR-001, RC-019, RC-020, RC-090 and RC-184 bargaining units. The Step 8 rate shall be increased by \$25 per month for those employees who have attained 10 years of service and have three years of creditable service on Step 8 in the same pay grade. The Step 8 rate shall be increased by \$50 per month for those employees who have attained 15 years of service and have three years of creditable service on Step 8 in the same pay grade.
  - 2) When Contract Contains a Provision – The longevity pay or longevity step and bonus provision in a contract is located in the Note in the Appendix A Table that exists for the specific bargaining unit. The Appendix A Tables with a longevity pay provision are A (RC-104), B (VR-706), C (RC-056), G (RC-045), H (RC-006), I (RC-009), J (RC-014), K (RC-023), N (RC-010), O (RC-028), P (RC-029), Q (RC-061), R (RC-042), S (VR-704), V (CU-500), W (RC-062), X (RC-063), Y (RC-063), Z (RC-063), AA (NR-916) and AC (RC-036).
- m) Bilingual Pay – Individual positions whose job descriptions require the use of sign language, Braille, or another second language (e.g., Spanish) shall receive 5% or \$100 per month, whichever is greater, in addition to the employee's base rate.
- n) Maximum Security Rates – An employee represented by an AFSCME bargaining unit with seven or more years of continuous service with the Departments of Corrections and Juvenile Justice who is currently employed at Department of Corrections or Juvenile Justice maximum security institution shall be placed on the maximum security schedule as long as they remain an employee at a maximum security facility. Maximum Security rates are denoted by Pay Plan Codes P and S (defined in Section 310.50).

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(Source: Amended by emergency rulemaking at 43 Ill. Reg. 14216, effective November 22, 2019, for a maximum of 150 days)

## SUBPART B: SCHEDULE OF RATES

**Section 310.260 Trainee Rate****EMERGENCY**

Rates of pay for employees working in classes pursuant to a Trainee Program (80 Ill. Adm. Code 302.170) shall conform to those set forth in negotiated pay grades within Negotiated Rates of Pay (Appendix A) unless the rate is red-circled (Section 310.220(e)), ~~in-or~~ salary ranges within the Merit Compensation System Salary Schedule (Appendix D) for a class also assigned a bargaining unit pay grade or as in-hire rates (Section 310.47(f)(3)) for a class only assigned an Merit Compensation System salary range. The process of assigning merit compensation salary ranges to Trainee Program classifications is in Section 310.415. The Trainee Program classifications are:

Title	Title Code	Negotiated Pay Grade	Merit Compensation Salary Range
Account Technician Trainee	00118	None	MS-04
Accounting and Fiscal Administration Career Trainee	00140	RC-062-12	MS-09
Actuarial Examiner Trainee	00196	RC-062-13	MS-10
Administrative Services Worker Trainee	00600	RC-014-02	MS-02
Animal and Animal Products Investigator Trainee	01075	None	MS-09
Appraisal Specialist Trainee	01255	None	MS-09
Arson Investigations Trainee	01485	None	MS-12
Behavioral Analyst Associate	04355	RC-062-15	MS-12
Child Support Specialist Trainee	07200	RC-062-12	MS-09
Children and Family Service Intern, Option 1	07241	RC-062-12	MS-09
Children and Family Service Intern, Option 2	07242	RC-062-15	MS-12
Civil Engineer Trainee	07607	NR-916	MS-16

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Clerical Trainee	08050	RC-014-TR	MS-01
Clinical Laboratory Technologist Trainee	08229	RC-062-14	MS-11
Clinical Psychology Associate	08255	RC-063-18	MS-19
Commerce Commission Police Officer Trainee	08455	None	MS-10
Conservation Police Officer Trainee	09345	RC-061	MS-06
Correctional Officer Trainee	09676	RC-006-05	MS-08
Corrections Nurse Trainee	09836	RC-023-17	MS-16
Corrections Treatment Officer Trainee	09866	RC-006-11	MS-13
Criminal Justice Specialist Trainee	10236	RC-062-13	MS-10
Data Processing Operator Trainee	11428	RC-014-02	MS-02
Data Processing Technician Trainee	11443	RC-028-06	MS-04
Disability Claims Adjudicator Trainee	12539	RC-062-13	MS-10
Economist Associate	12940	None	MS-12
Economic Development Representative Trainee	12939	None	MS-10
Educator Intern	13135	None	MS-10
Energy and Natural Resources Specialist Trainee	13715	RC-062-12	MS-09
Environmental Health Specialist I	13768	RC-062-14	MS-11
Financial Institutions Examiner Trainee	14978	RC-062-13	MS-10
Fingerprint Technician Trainee	15209	None	MS-05
Fire Prevention Inspector Trainee	15320	RC-029-12	MS-10
Firearms Eligibility Analyst Trainee	15375	Pending Negotiations	
Forensic Scientist Trainee	15897	RC-062-15	MS-12
Gaming Special Agent Trainee	17195	RC-062-14	MS-11
Geographic Information Trainee	17276	RC-063-15	MS-12
Governmental Career Trainee	17325	None	MS-09

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Graduate Pharmacist	17345	RC-063-20	MS-23
Hearing and Speech Associate	18231	RC-063-18	MS-19
Human Resources Trainee	19694	RC-014-07	MS-04
Human Rights Investigator Trainee	19768	None	MS-09
Human Services Grants Coordinator Trainee	19796	RC-062-12	MS-09
Industrial Services Consultant Trainee	21125	RC-062-11	MS-08
Industrial Services Hygienist Trainee	21133	RC-062-12	MS-09
Information Services Intern	21160	RC-063-15	MS-12
Insurance Analyst Trainee	21566	RC-014-07	MS-04
Insurance Company Financial Examiner Trainee	21610	RC-062-13	MS-10
Insurance Performance Examiner Trainee	21680	None	MS-09
Internal Auditor Trainee	21726	None	MS-09
Juvenile Justice Specialist Intern	21976	RC-006-11	MS-13
Land Reclamation Specialist Trainee	23137	None	MS-09
Liability Claims Adjuster Trainee	23375	None	MS-09
Life Sciences Career Trainee	23600	RC-062-12	MS-09
Management Operations Analyst Trainee	25545	None	MS-12
Manpower Planner Trainee	25597	RC-062-12	MS-09
Meat and Poultry Inspector Trainee	26075	RC-029	MS-07
Medicaid Management Intern	26305	None	MS-13
Mental Health Administrator Trainee	26817	RC-062-16	MS-12
Mental Health Specialist Trainee	26928	RC-062-11	MS-08
Mental Health Technician Trainee	27020	RC-009-01	MS-03
Methods and Procedures Career Associate Trainee	27137	RC-062-09	MS-06

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Natural Resources Coordinator Trainee	28830	None	MS-09
Office Occupations Trainee	30075	None	MS-01
Polygraph Examiner Trainee	33005	None	MS-12
Products and Standards Inspector Trainee	34605	None	MS-09
Program Integrity Auditor Trainee	34635	RC-062-12	MS-09
Psychologist Associate	35626	RC-063-15	MS-12
Psychology Intern	35660	None	MS-15
Public Administration Intern	35700	None	MS-11
Public Aid Investigator Trainee	35874	RC-062-14	MS-11
Public Health Program Specialist Trainee	36615	RC-062-12	MS-09
Public Safety Inspector Trainee	37010	RC-062-10	MS-07
Rehabilitation Counselor Trainee	38159	RC-062-15	MS-12
Rehabilitation/Mobility Instructor Trainee	38167	RC-063-15	MS-12
Research Fellow, Option B	38211	None	MS-19
Resident Physician	38270	None	MS-15
Residential Care Worker Trainee	38279	RC-009-11	MS-05
Retirement Benefits Representative Trainee	38316	None	MS-07
Revenue Auditor Trainee (IL)	38375	RC-062-12	MS-09
Revenue Auditor Trainee (states other than IL and not assigned to RC-062-15)	38375	RC-062-13	MS-09
Revenue Auditor Trainee (see Note in Appendix A Table W)	38375	RC-062-15	MS-09
Revenue Collection Officer Trainee	38405	RC-062-12	MS-09
Revenue Special Agent Trainee	38565	RC-062-14	MS-11
Revenue Tax Specialist Trainee	38575	RC-062-10	MS-07
Security Therapy Aide Trainee	39905	RC-009-13	MS-06

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Seed Analyst Trainee	39953	None	MS-07
Social Service Aide Trainee	41285	RC-006-01 RC-009-02	MS-03
Social Services Career Trainee	41320	RC-062-12	MS-09
Social Worker Intern	41430	None	MS-15
Student Intern	43190	None	MS-01
Student Worker	43200	None	MS-01
Telecommunications Systems Technician Trainee	45314	None	MS-05
Telecommunicator Trainee	45325	RC-014-10	MS-07
Terrorism Research Specialist Trainee	45375	RC-062-14	MS-11
Weatherization Specialist Trainee	49105	RC-062-12	MS-09
Well Inspector Trainee	49425	None	MS-09

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 14216, effective November 22, 2019, for a maximum of 150 days)

## SUBPART C: MERIT COMPENSATION SYSTEM

**Section 310.460 Other Pay Increases****EMERGENCY**

- a) Promotion – Normally, upon promotion, an employee shall be advanced in salary by an amount not more than 5% of the current base salary. In no event is the resulting salary to be lower than the minimum rate of the salary range to which the employee is being promoted or greater than the maximum of the new salary range. Upon promotion the employee shall receive a new creditable service date. Agencies, boards and commissions shall review the anticipated starting salary range to inform the salary offer to the state-government candidate and consider offering less than a 5% increase for a promotion. Any deviation from the 5% maximum, except when the resulting salary is the minimum rate of the salary range, is a special salary adjustment (see Section 310.470).
- b) Reallocation – Upon reallocation, an employee shall be advanced in salary to a rate of pay that is the equivalent of 5% above the current base salary. However,

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in no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the new salary range. A reallocation will not affect the creditable service date of the employee, unless an increase of 10% or greater is provided to move the employee to the minimum salary of the new title. The reallocation shall not change the creditable service date.

- c) Reevaluation – If a higher salary range is assigned to a class, the employee occupying a position in the class normally shall be advanced the equivalent of 5% of the current base salary. However, in no event is the resulting salary to be lower than the minimum or higher than the maximum rate of the new salary range. The creditable service date of an employee will not be changed due to the reevaluation of the class the employee occupies, unless an increase of 10% or greater is provided to move the employee to the minimum salary of the new range. The reevaluation shall not change the creditable service date.
- d) Separation and Subsequent Appointment – Upon separation from a position of a given class and appointment within four calendar days to a position in a higher salary range, an increase shall be given under the conditions and requirements applicable to promotions (see subsection (a)).
- e) Reclassification – If the class to which the position is being moved has a higher salary range, the employee occupying the position shall be advanced the equivalent of 5% of the current base salary. However, in no event is the resulting salary to be lower than the minimum or higher than the maximum rate of the new salary range. The creditable service date of the employee will not be changed due to the reclassification of the position the employee occupies, unless an increase of 10% or greater is provided to move the employee to the minimum salary of the new range.

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 14216, effective November 22, 2019, for a maximum of 150 days)

**Section 310.490 Other Pay Provisions****EMERGENCY**

- a) Transfer – Upon assignment of an employee to a vacant position in a class with the same salary range as the class for the position being vacated, the employee's base salary will not be changed. Upon separation and subsequent appointment to a position in the same salary range, no increase in salary will be given.

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- b) Entrance Base Salary – Each agency, board or commission shall identify any location (website, form or process) where current wage or salary history is requested and remove the request. If a candidate inadvertently or voluntarily without prompting discloses the candidate's current wage or salary history, including benefits or other compensation, the agency, board or commission shall not consider or rely on the information in a current or future salary offer and shall disregard the information. In-hire rates assigned to Trainee Program classifications are the entrance base salary (See 310.47).
- 1) When a candidate only meets the minimum requirements of the class specification upon entry to State service, an employee's entrance base salary is the in-hire rate or the minimum base salary of the salary range.
  - 2) Qualifications Above Minimum Requirements –
    - A) For Other Than Trainee Classification Titles Where the Candidate is New to State Government – For other than trainee classification titles where the candidate is new to state government, state agencies, boards and commissions shall not seek, request or require a candidate's current wage or salary history. Agencies, boards and commissions shall not use a candidate's current wage or salary history to screen applicants or request or require current wage or salary history information as a condition for being considered for employment or for an offer of employment. Agencies, boards and commissions shall stop the verification of a candidate's current wage or salary history. Where the new-to-state-government candidate only meets the minimum of the classification requirements, the entrance base salary is the lowest salary in the anticipated starting salary range, the anticipated starting salary or the in-hire rate. Where the new-to-state-government candidate exceeds the minimum of the classification requirements, the entrance base salary is the in-hire rate, the anticipated starting salary, within the anticipated starting salary range or the rate resulting from a special salary request that is pre-approved by the Department of Central Management Services. The anticipated starting salary and the selected new-to-state-government candidate's qualifications shall inform the entrance base salary offer. The qualifications that shall be considered are

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documented education and experience directly-related to the position description and exceeding the minimum requirements on the class specification. The agency, board or commission shall tell the new-to-state-government candidate not to disclose their current wage or salary history. The new-to-state-government applicant may discuss their salary expectations for the position being filled. If the tentatively accepted offer is not the in-hire rate, anticipated starting salary or within the anticipated starting salary range, the agency, board or commission shall complete a Special Salary Request-New Employee form (CMS-163) identifying both the pre-established anticipated starting salary and the justification for hiring the selected candidate at the tentatively offered and accepted higher starting salary.

- B) For Other Than Trainee Classification Titles Where the Current State Government Employee is a Candidate for a Position Subject to the Personnel Code – For other than Trainee classification titles where the current state government employee is a candidate for a position subject to the Personnel Code, if~~if~~ a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary that is not more than 5% above the candidate's current base salary. Any deviation from the 5% maximum is a special salary adjustment (see Section 310.470).
- 3) Area Differential – For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which the positions are established, a higher entrance salary may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate of pay shall be advanced to the new rate.
- c) Geographical Transfer – Upon geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment, effective the first day of the month following the date of assignment.
- d) Differential and Overtime Pay – An eligible employee may have an amount added

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to the base salary for a given pay period for work performed in excess of the normal requirements for the position and work schedule, as follows:

- 1) Shift Differential Pay – An employee may be paid an amount in addition to the base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
- 2) Overtime Pay –
  - A) Eligibility – The Director of Central Management Services shall maintain a listing of classes of positions subject to the provisions of the Merit Compensation System that are eligible for overtime compensation. Classes in salary ranges MS-23 and below are eligible for straight-time overtime unless exceptions are determined by the Director of Central Management Services or federal guidelines. Employees in these classes of positions who are assigned and perform work in excess of the normal work schedule as established by the agency shall be compensated at a straight-time rate on either a cash or compensatory time-off basis for all hours worked in excess of a normal work week. Overtime in less than one-half hour increments per day shall not be accrued. Classes in MS-24 and above are not eligible for overtime unless required by federal regulation or approved by the Director of Central Management Services. Exceptions must be requested by the employing agency and will be determined on the basis of the special nature of the situation, a substantial need to provide overtime compensation and a significant number of hours worked beyond the normal work schedule, and will be granted only for a specified time period for which the special situation is expected to exist.
  - B) Compensatory Time –

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- i) For Merit Compensation Employees – Employees who are eligible for compensatory time may request such time, which may be granted by the agency at its discretion, considering, among other things, its operating needs. Compensatory time shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Compensatory time shall be accrued at the rate in which it is earned (straight time or time and a half), but shall not exceed 120 hours in any fiscal year. Compensatory time approved for non-union employees will be earned after 40 actual work hours in a workweek. Compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned. Time spent in travel outside the normal work schedule shall not be accrued as compensatory time except as provided by labor contracts and the Federal Fair Labor Standards Act. At no time are overtime hours or compensatory time to be transferred from one agency to another agency.
- ii) When Represented by AFSCME – If evidence demonstrates that circumstances prevented an employee from receiving a rest period or resulted in a rest period being interrupted, and no alternative time is authorized, the employee shall be entitled to compensatory time. For employees represented by AFSCME except CU-500, accrued compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned. Notwithstanding the above, employees who schedule compensatory time off by June 30th of the fiscal year shall be allowed to use the time through August 15th of the subsequent fiscal year. For employees represented by CU-500, hours worked in excess of the established work week but less than forty (40) shall not normally be compensated, provided that for such time so worked, compensatory overtime shall be accrued at the rate equal to the time so worked and compensatory time off shall be granted by the Employer within the fiscal year

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earned at a time convenient to the employee consistent with the operating needs of the Employer, and if not so granted or taken, accrued compensatory time shall be liquidated in cash before the end of the fiscal year in which earned. Notwithstanding the above, employees who schedule compensatory off by June 1st of the fiscal year shall be allowed to use such time through August 1st of the following fiscal year. Employees who earn compensatory time after June 1st shall be allowed to use such compensatory time through August 15th of the subsequent fiscal year. Employees who receive an unpaid lunch period and are required to work at their work assignments during such period and who are not relieved, shall have such time counted as hours worked for the purposes of Section 2 below and shall be compensated at the appropriate compensatory straight or overtime rate, whichever may be applicable. Where it is currently the practice, whenever only one (1) Lieutenant is scheduled to work a particular shift, if the Lieutenant is not able to be relieved, a paid lunch shall be granted. The "purposes of Section 2 below" is being clarified with AFSCME.

- e) Equivalent Earned Time –
  - 1) Eligibility – Employees who are non-union, exempt under the Federal Fair Labor Standards Act, and in positions not eligible for overtime compensation may receive equivalent earned time for hours worked in excess of the hours per week indicated in the approved work schedule (80 Ill. Adm. Code 303.300) assigned to the employee.
  - 2) Accrual –
    - A) Employees who are eligible for equivalent earned time shall request that time before working in excess of the hours per week indicated in the approved work schedule (80 Ill. Adm. Code 303.300) assigned to the employee. Requests for equivalent earned time may be granted by the agency at its discretion, considering its operating needs. Equivalent earned time shall be

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accrued at straight time only to a maximum of 240 hours at any time.

- B) Equivalent earned time will accrue in no less than one-quarter hour increments. Time spent in travel outside the normal work schedule shall not be counted toward accrual of equivalent earned time.
- 3) Compensation – Any approved equivalent earned time shall be taken at a time convenient to the employee and consistent with the operating needs of the agency. The equivalent earned time may be taken in increments of not less than one-quarter hour after a minimum use of one-half hour any time after it is earned. At no time is equivalent earned time to be converted into cash payment. Equivalent earned time may transfer from one agency to another at the discretion of the agency head of the agency to which the employee is moving.
- 4) Employees in Positions Represented by an American Federation of State, County and Municipal Employees Bargaining Unit – Employees shall retain their equivalent earned time upon their positions' representation by an American Federation of State, County and Municipal Employees bargaining unit. The use of the equivalent earned time is approved by supervisors, prior to other benefit time excluding sick and personal business leave, in increments of fifteen minutes after the initial use of one-half hour, and granted under the same criteria as vacation time. Employees may substitute equivalent earned time for sick leave in accordance to sick leave policies and procedures.
- f) Part-Time Work – Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily rate basis computed by dividing the annual rate of salary by the total number of work days in the year.
- g) Lump Sum Payment – Lump sum payment shall be provided for accrued vacation, sick leave and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum payments cannot be given in these transactions. Methods of computation are explained in Section 310.520(a).

AGENCY NOTE: The method to be used in computing lump sum payment for

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accrued vacation, sick leave and unused compensatory overtime for an incumbent entitled to shift differential during the regular work hours will be to use the current base salary plus the shift differential pay. Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of compensable sick days.

- h) Salary Treatment upon Return from Leave –
  - 1) An employee returning from Military Leave (80 Ill. Adm. Code 302.220 and 303.170), Peace Corps Leave (80 Ill. Adm. Code 302.230), Service-Connected Disability Leave (80 Ill. Adm. Code 303.135), Educational Leave (80 Ill. Adm. Code 302.215), Disaster Service Leave With Pay (80 Ill. Adm. Code 303.175), Disaster Service Leave With Pay – Terrorist Attack (80 Ill. Adm. Code 303.176), Family Responsibility Leave (80 Ill. Adm. Code 303.148), Leave to accept a temporary, emergency, provisional, exempt (80 Ill. Adm. Code 303.155) or trainee position, Leave to serve in domestic peace or job corps (80 Ill. Adm. Code 302.230) or leave to serve in an interim assignment will have the employee's salary established as determined appropriate by the employing agency and approved by the Director of Central Management Services. However, in no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range. Creditable service date will be maintained.
  - 2) An employee returning to the employee's former salary range from any other leave (not mentioned in subsection (h)(1)) of over 14 days will be placed at the salary which the employee received prior to the leave and the creditable service date will be extended by the duration of the leave.
- i) Employees in classes that are made subject to the Merit Compensation System will retain their current salary, except that in no event is the resultant salary to be lower than the minimum rate or higher than the maximum rate of the new salary range.
- j) Temporary Assignment Pay –
  - 1) When Required to Use Second Language Ability – Employees who are

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bilingual or have the ability to use sign language, Braille, or another second language (e.g., Spanish) and whose job descriptions do not require that they do so shall be paid temporary assignment pay when required to perform duties requiring the ability. The temporary assignment pay received is prorated based on 5% or \$100 per month, whichever is greater, in addition to the employee's base rate.

- 2) When an employee in a position represented by AFSCME – When an employee in a position represented by an AFSCME bargaining unit and allocated to the Public Service Administrator title is temporarily assigned to a non-bargaining unit position, the time frame shall not exceed 9 months, unless mutually agreed otherwise.

k) Salary Treatment Upon Reemployment –

- 1) Upon the reemployment of an employee in a class with the same salary range as the class for the position held before layoff, the employee will be placed at the same salary as held at the time of the layoff, and the employee's creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
- 2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the same salary as held at the time of layoff, except that if this exceeds the maximum of the new range, the employee will be placed at that maximum salary. The creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

l) Reinstatement –

- 1) For former state employees subject to the Personnel Code who had intervening employment outside of state government – For former state employees subject to the Personnel Code who had intervening employment outside of state government shall be paid under the conditions and requirements applicable to entrance base salary (see subsection (b), (b)(1) and (b)(2)(A)).
- 2) For Former State Employees Subject to the Personnel Code Who Had No

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Intervening Employment Or Only Had Intervening State Government Employment – For former state employees subject to the Personnel Code who had no intervening employment or only had intervening state government employment, the salary upon reinstatement should not provide more than a 5% increase over the candidate's current base salary or exceed the salary rate held in the position where previously certified without prior approval of the Director of Central Management Services. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range. Any deviation from the 5% maximum, except when the resulting salary is the minimum rate of the salary range, is a special salary adjustment (see Section 310.470).

- m) Bilingual Pay – Individual positions whose job descriptions require the use of sign language, Braille, or another second language (e.g., Spanish) shall receive 5% or \$100 per month, whichever is greater, in addition to the employee's base rate.
- n) Clothing or Equipment Allowance – An employee may be paid an amount in addition to the employee's base salary to compensate for clothing or equipment that is required in the performance of assigned duties. The amount will be determined by the Director of the employing agency, and will require approval of the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.
- o) Interim Assignment Pay – This subsection of the Pay Plan explains interim assignment pay as applied to certified non-bargaining unit employees in a merit compensation (including broad-band) position assigned to perform on a full-time interim basis and be accountable for the higher-level duties and responsibilities of the non-bargaining unit (merit compensation, including broad-band) position. On the effective date of the employee's interim assignment (80 Ill. Adm. Code 302.150(j)), the employee shall receive an adjustment as if the employee received a promotion into the higher range. When assigned to the merit compensation position, the adjustment is an amount not more than 5% of the employee's current base salary. In no event is the resulting salary to be lower than the minimum rate or greater than the maximum rate of the salary range to which the employee is being assigned. Upon interim assignment, the employee's creditable service date shall not change. Any deviation from the 5% maximum, except when the

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resulting salary is the minimum rate of the salary range, is a special salary adjustment (see Section 310.470).

- p) International Differential Pay – For positions with a headquarters outside of the United States, a differential shall be made once a month to the base salary of the employee residing outside the United States to compensate for a change in the currency exchange rate.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 14216, effective November 22, 2019, for a maximum of 150 days)

**Section 310.500 Definitions****EMERGENCY**

The following are definitions of certain terms and are for purposes of clarification as they affect the Merit Compensation System only.

"Adjustment in Salary" – A change in salary occasioned by previously committed error or oversight, or required in the best interest of the agency or the state as defined in Sections 310.470 and 310.480.

"Anticipated Starting Salary" – A position-specific rate or range within the pay grade or salary range assigned to the classification title to which the position being filled is allocated and based on the value of the work to be performed in the position description. The anticipated starting salary is published in the posting of a position opening. When valuing the work to be performed in the position description, agencies, boards and commissions shall consider questions based on the factors located in Section 310.70. The factors are: is the valuation consistent with the treatment of other similar situations; is the valuation equitable in view of the particular circumstances; what are the staffing needs and requirements of the employing agency; and are there labor market influences on recruitment for the classification or position. Some of the questions to be considered are: how are others in this title in the agency compensated; how many staff does the position supervise; what is the scope of the position's area of responsibility; is the position similar to positions at other agencies and if so, how are those employees compensated; what types of subordinates report to the position and how are they compensated; does this position require a license that is difficult to obtain; has the agency unsuccessfully attempted to fill the position and if so, how many times; and if the position has private sector counterparts, how are they compensated?

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[This is a non-exhaustive list of factors and questions for agencies, boards and commissions to consider when developing an "Anticipated Starting Salary".](#)

"Base Salary" – The dollar amount of pay of an employee as determined under the provisions of the Merit Compensation System. Base salary does not include commission, incentive pay, bilingual pay, longevity pay, overtime pay, shift differential pay or deductions for time not worked.

"Bilingual Pay" – The dollar amount per month, or percentage of the employee's monthly base salary, paid in addition to the employee's base salary when the individual position held by the employee has a job description that requires the use of sign language, Braille, or another second language (e.g., Spanish), or that requires the employee to be bilingual.

"Classification" – The classification established by the Department of Central Management Services and approved by the Civil Service Commission based on Section 8a(1) of the Personnel Code [20 ILCS 415] and to which one or more positions are allocated based upon similarity of duties performed, responsibilities assigned and conditions of employment. Classification may be abbreviated to "class" and referred to by its title or title code.

"Class Specification" – The document comprising the title, title code, effective date, distinguishing features of work, illustrative examples of work and desirable requirements.

"Creditable Service" – All service in full or regularly scheduled part-time pay status beginning with the date of initial employment or the effective date of the last in-range or promotional salary increase. Reevaluations (Sections 310.460(c) and 310.480(d)), reallocations (Sections 310.460(b) and 310.480(b)), adjustments (Sections 310.470, 310.480(e) and 310.495(c)) and interim assignments (Section 310.490(p)) shall not change the creditable service date.

"Comparable Classes" – Two or more classes that are in the same salary range.

"Demotion" – The assignment for cause of an employee to a vacant position in a class in a lower salary range than the former class.

"Differential" – The additional compensation added to the base salary of an employee resulting from conditions of employment imposed during the normal

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schedule of work.

"Entrance Base Salary" – The initial base salary assigned to an employee upon entering State service.

"In-hire Rate" – An in-hire rate is a minimum rate/step for a class that is above or below the normal minimum of the range or full scale rate, as approved by the Director of Central Management Services after a review of competitive market starting rates for similar classes or as negotiated between the Director of Central Management Services and a bargaining unit.

"Maximum Rate of Pay" – The highest rate of pay for a given salary range.

"Minimum Rate of Pay" – The lowest rate of pay for a given salary range. Normally the minimum rate of pay represents the salary to be paid a qualified employee who is appointed to a position in a class assigned to a given salary range.

"Option" – The denotation of directly-related education, experience and/or knowledge, skills and abilities required to qualify for the position allocated to the classification. The requirements may meet or exceed the requirements indicated in the class specification. The following options are for the Public Service Administrator classification and have a negotiated pay grade and/or a broad-banded salary range assigned:

1	=	General Administration/Business/Marketing/Labor/Personnel
2	=	Fiscal Management/Accounting/Budget/Internal Audit/Insurance/Financial
2B	=	Financial Regulatory
2C	=	Economist
3	=	Management Information System/Data Processing/ Telecommunications
3J	=	Java Application Developer
3N	=	Networking
4	=	Physical Sciences/Environment
6	=	Health and Human Services
6C	=	Health Statistics
6D	=	Health Promotion/Disease Prevention

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

6E	=	Laboratory Specialist
6F	=	Infectious Disease
6G	=	Disaster/Emergency Medical Services
6H	=	Illinois Council on Developmental Disabilities Program Specialist
7	=	Law Enforcement/Correctional
7A	=	Special Agent Supervisor
8A	=	Special License – Architect License
8B	=	Special License – Boiler Inspector License
8C	=	Special License – Certified Public Accountant
8D	=	Special License – Federal Communications Commission License/National Association of Business and Educational Radio
8E	=	Special License – Engineer (Professional)
8F	=	Special License – Federal Aviation Administration Medical Certificate/First Class
8G	=	Special License – Clinical Professional Counselor
8H	=	Special License – Environmental Health Practitioner
8I	=	Special License – Professional Land Surveyor License
8J	=	Food Sanitation Certificate/Licensed Dietitian
8K	=	Special License – Licensed Psychologist
8L	=	Special License – Law License
8N	=	Special License – Registered Nurse License
8O	=	Special License – Occupational Therapist License
8P	=	Special License – Pharmacist License
8Q	=	Special License – Religious Ordination by Recognized Commission
8R	=	Special License – Dental Hygienist
8S	=	Special License – Social Worker/Clinical Social Worker
8T	=	Special License – Professional Educator License and Administrative Endorsement
8U	=	Special License – Physical Therapist License
8V	=	Special License – Audiologist License
8W	=	Special License – Speech-Language Pathologist License
8Y	=	Special License – Plumbing License
8Z	=	Special License – Special Metrologist Training
9A	=	Special License – Certified Internal Auditor
9B	=	Special License – Certified Information Systems Auditor
9C	=	Special License – Landscape Architect

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- 9D = Special License – Certified Real Estate Appraisal License  
9G = Special License – Registered Professional Geologist License

The following options are for the Senior Public Service Administrator classification and have a negotiated pay grade and/or a broad-banded salary range assigned:

- 1 = General  
Administration/Business/Marketing/Labor/Personnel  
2 = Fiscal Management/Accounting/Budget/Internal  
Audit/Insurance/Financial  
2A = Revenue Audit Field Manager  
2B = Financial Regulatory  
2C = Economist  
3 = Management Information System/Data  
Processing/Telecommunications  
4 = Physical Sciences/Environment  
5 = Agriculture/Conservation  
6 = Health and Human Services  
6H = Developmental Disabilities Program Policy  
7 = Law Enforcement/Correctional  
7A = Criminal Investigation Chief  
8A = Special License – Architect License  
8B = Special License – Boiler Inspector License  
8C = Special License – Certified Public Accountant/Certified  
Internal Auditor/Certified Information Systems Auditor  
8D = Special License – Dental License  
8E = Special License – Engineer (Professional)  
8F = Special License – Clinical Professional Counseling  
8G = Special License – Geologist License  
8H = Special License – Environmental Health Practitioner  
8I = Special License – Illinois Auctioneer License  
8K = Special License – Licensed Psychologist  
8L = Special License – Law License (Illinois)  
8M = Special License – Veterinary Medicine License

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## NOTICE OF EMERGENCY AMENDMENTS

8N	=	Special License – Nurse (Registered IL) License
8O	=	Special License – Occupational Therapist License
8P	=	Special License – Pharmacist License
8Q	=	Special License – Nursing Home Administration License
8R	=	Special License – Real Estate Brokers License
8S	=	Special License – Social Worker/Clinical Social Worker
8T	=	Special License – Professional Educator License and Administrative Endorsement
8U	=	Special License – Landscape Architect
8Z	=	Special License – Certified Real Estate Appraisal License

Other classification titles contain an option and the option also may denote differences in the distinguishing features of work indicated in the classification specification. The classification titles containing an option are:

Children and Family Service Intern, Option 1  
Children and Family Service Intern, Option 2  
Health Services Investigator II, Option A – General  
Health Services Investigator II, Option C – Pharmacy  
Substance Inspector  
Juvenile Justice Youth and Family Specialist Option 1  
Juvenile Justice Youth and Family Specialist Option 2  
Medical Administrator I Option C  
Medical Administrator I Option D  
Medical Administrator II Option C  
Medical Administrator II Option D  
Physician Specialist – Option A  
Physician Specialist – Option B  
Physician Specialist – Option C  
Physician Specialist – Option D  
Physician Specialist – Option E  
Research Fellow, Option B

"Performance Review" – The required review of an employee's on-the-job performance as measured by a specific set of criteria.

"Performance Review Date" – The date on which the annual merit increase and bonus shall be made effective if a performance review indicates it is appropriate.

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Actual performance review procedures are to be completed prior to the effective date of any recommendation to allow sufficient time for the records to be processed by the originating agency.

"Promotion" – The appointment of an employee, with the approval of the agency and the Department of Central Management Services, to a vacant position in a class in a higher salary range than the former class.

"Reallocation" – A position action in which gradual changes in a single position's assigned duties and responsibilities accumulate and result in the assignment of the position to another class.

"Reclassification" – A position action that occurs subsequent to approval of a new or revised classification by the Civil Service Commission and results in the assignment of a position or positions to a different class.

"Reevaluation" – The assignment of a different salary range to a class of positions based upon a change in relation to other classes or to the labor market.

"Salary Range" – The dollar values encompassed by the minimum and maximum rates of pay of a salary range assigned to a class title.

"Transfer" – The assignment of an employee to a vacant position in a class having the same salary range.

"Work Year" – That period of time determined by the agency and filed with the Department of Central Management Services in accordance with 80 Ill. Adm. Code 303.300.

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 14216, effective November 22, 2019, for a maximum of 150 days)

**Section 310.530 Implementation****EMERGENCY**

- a) The salary schedules for the Merit Compensation System will continue as set forth in Appendices D and G of the Pay Plan.
- b) The Merit Increase and Bonus Guidechart as set forth in Section 310.540 of the

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

## Pay Plan.

- c) The Fiscal Year 2020 Merit Compensation Stipend and Cost-of-Living Adjustment as set forth in Section 310.550 of the Pay Plan.

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 14216, effective November 22, 2019, for a maximum of 150 days)

**Section 310.550 Fiscal Year 2020 Merit Compensation Stipend and Cost-of-Living Adjustment~~Fiscal Year 1985 Pay Changes in Merit Compensation System Effective July 1, 1984 (Repealed)~~**  
**EMERGENCY**

- a) Fiscal Year 2020 Merit Compensation Stipend –
- 1) Eligibility – Eligibility for a merit compensation stipend is that the current merit compensation (includes broad-band) employee was on active payroll effective December 31, 2018, is on active payroll November 22, 2019 in a merit compensation position and did not receive a special salary adjustment (CMS-163) on or after November 1, 2018 unless the special salary adjustment was to correct an error or oversight. If an employee has been on unpaid leave of absence and was on active payroll at some time during July 1, 2015 through December 1, 2019, the employee shall receive a prorated merit compensation stipend upon return from leave to the merit compensation position effective on or before June 30, 2023. The employee is credited with the entire year if the employee was employed December 31 of that fiscal year. No employee on unpaid leave throughout the entire four years (July 1, 2015 through December 1, 2019) shall be eligible to receive a stipend. No temporary, emergency or provisional employee shall be eligible to receive the stipend.
  - 2) Stipend – The merit compensation stipend shall be a one-time stipend paid to the eligible employee up-to-a-maximum amount of \$2,500 based on the employ's years of service effective November 1, 2019 in a merit compensation position. The stipend shall be processed on a separate payroll voucher (supplemental) not to include any other type of payment and with the same layout, be treated as pensionable income, require federal tax, state tax, Federal Insurance Contributions Act (FICA) and Medicare deductions, and include child support, garnishments and tax

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

levies if the order states, for example, "on all wages, income, etc.", be subject to the recipient's normal W-4 withholdings, and not be incorporated into the employee's base salary. The total dollar amount of the stipend shall be prorated by 25% per fiscal year based on the employee's years of continuous service from July 1, 2015 through and including June 30, 2019. That is, for a full-time-employee example, a \$2,500 stipend is paid to an employee employed in a merit compensation position for at least all four years, a \$1,875 stipend for an employee employed in a merit compensation position for three years, a \$1,250 stipend for an employee employed in a merit compensation position only for two years, or a \$625 stipend for an employee employed in a merit compensation position only for one year.

- b) Fiscal Year 2020 Merit Compensation Cost-of-Living Adjustment – Effective January 1, 2020, each current merit compensation (includes broad-band) state employee, who was on active payroll December 31, 2018, shall receive a 1.50% cost-of-living adjustment to the employee's base salary. No temporary, emergency or provisional employee shall receive the cost-of-living adjustment. The Department of Central Management Services shall program the cost-of-living adjustment automatically. No agency action shall be required.

(Source: Former Section 310.550 repealed at 9 Ill. Reg. 10663, effective July 1, 1985; new Section 310.550 added by emergency rulemaking at 43 Ill. Reg. 14216, effective November 22, 2019, for a maximum of 150 days)

**Section 310.560 Merit Incentive Program (Repealed)**  
**EMERGENCY**

~~The employer may develop and implement a merit incentive program to reward and incentivize the high performance of an individual employee, group or unit. The employer shall allocate funds to compensate individual employees, groups or units deemed high performers. The compensation from the allocated funds shall be based on the satisfaction of high performance standards to be developed by the employer. The compensation for an individual employee, group or unit shall be considered a one-time bonus, not incorporated into a base salary, and offered only as non-pensionable. Any employee who accepts merit incentive program compensation pursuant to this Section does so voluntarily and with the knowledge and on the express condition that the merit incentive program compensation shall not be included in any pension calculations.~~

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## NOTICE OF EMERGENCY AMENDMENTS

(Source: Repealed by emergency rulemaking at 43 Ill. Reg. 14216, effective November 22, 2019, for a maximum of 150 days)

**Section 310.570 Gain Sharing Program (Repealed)**  
**EMERGENCY**

~~The employer may develop and implement a gain sharing program. Under the gain sharing program, an individual employee, group or unit may propose one or more identified initiatives to achieve substantial savings for the State of Illinois. Upon realization of the substantial savings from an identified initiative, the employer may elect to return a portion of the substantial savings to the employee or employees who participated in the identified initiative. The compensation for an individual employee, group or unit shall be considered a one-time bonus, not incorporated into a base salary, and offered only as non-pensionable. Any employee who accepts gain sharing program compensation pursuant to this Section does so voluntarily and with the knowledge and on the express condition that the gain sharing program compensation shall not be included in any pension calculations.~~

(Source: Repealed by emergency rulemaking at 43 Ill. Reg. 14216, effective November 22, 2019, for a maximum of 150 days)

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**Section 310.APPENDIX D Merit Compensation System Salary Schedule**  
**EMERGENCY****Effective Upon Filing of Emergency Amendments**

<u>Salary Range</u>	<u>Minimum Salary</u>	<u>Maximum Salary</u>
<u>MS-01</u>	<u>1346</u>	<u>2990</u>
<u>MS-02</u>	<u>1826</u>	<u>3450</u>
<u>MS-03</u>	<u>1911</u>	<u>3787</u>
<u>MS-04</u>	<u>2020</u>	<u>4032</u>
<u>MS-05</u>	<u>2138</u>	<u>4245</u>
<u>MS-06</u>	<u>2207</u>	<u>4347</u>
<u>MS-07</u>	<u>2280</u>	<u>4532</u>
<u>MS-08</u>	<u>2367</u>	<u>4727</u>
<u>MS-09</u>	<u>2464</u>	<u>4968</u>
<u>MS-10</u>	<u>2556</u>	<u>5370</u>
<u>MS-11</u>	<u>2611</u>	<u>5727</u>
<u>MS-12</u>	<u>2666</u>	<u>5777</u>
<u>MS-13</u>	<u>2779</u>	<u>6043</u>
<u>MS-14</u>	<u>2892</u>	<u>6087</u>
<u>MS-15</u>	<u>2900</u>	<u>6223</u>
<u>MS-16</u>	<u>3020</u>	<u>6401</u>
<u>MS-17</u>	<u>3059</u>	<u>6428</u>
<u>MS-18</u>	<u>3136</u>	<u>6733</u>
<u>MS-19</u>	<u>3174</u>	<u>6775</u>
<u>MS-20</u>	<u>3258</u>	<u>7169</u>
<u>MS-21</u>	<u>3341</u>	<u>7196</u>
<u>MS-22</u>	<u>3435</u>	<u>7521</u>
<u>MS-23</u>	<u>3528</u>	<u>7609</u>
<u>MS-24</u>	<u>3626</u>	<u>7776</u>
<u>MS-25</u>	<u>3724</u>	<u>8080</u>
<u>MS-26</u>	<u>3831</u>	<u>8521</u>
<u>MS-27</u>	<u>3937</u>	<u>8563</u>
<u>MS-28</u>	<u>4058</u>	<u>8990</u>
<u>MS-29</u>	<u>4178</u>	<u>9134</u>

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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<u>MS-30</u>	<u>4303</u>	<u>10504</u>
<u>MS-31</u>	<u>4432</u>	<u>11125</u>
<u>MS-32</u>	<u>4565</u>	<u>11841</u>
<u>MS-33</u>	<u>4702</u>	<u>12602</u>
<u>MS-34</u>	<u>4843</u>	<u>13490</u>
<u>MS-35</u>	<u>4988</u>	<u>14391</u>
<u>MS-36</u>	<u>5138</u>	<u>15419</u>
<u>MS-37</u>	<u>5292</u>	<u>16577</u>
<u>MS-38</u>	<u>5451</u>	<u>16972</u>
<u>MS-39</u>	<u>5615</u>	<u>17346</u>
<u>MS-60</u>	<u>8414</u>	<u>18467</u>
<u>MS-61</u>	<u>9093</u>	<u>19554</u>
<u>MS-62</u>	<u>9396</u>	<u>20049</u>
<u>MS-63</u>	<u>5783</u>	<u>21571</u>
<u>MS-64</u>	<u>10441</u>	<u>21758</u>
<u>MS-65</u>	<u>10812</u>	<u>22836</u>
<u>MS-66</u>	<u>10987</u>	<u>23093</u>
<u>MS-67</u>	<u>11163</u>	<u>23355</u>

**Effective July 1, 2013**

<b><u>Salary Range</u></b>	<b><u>Minimum Salary</u></b>	<b><u>Maximum Salary</u></b>
MS-01	1346	2848
MS-02	1826	3286
MS-03	1911	3607
MS-04	2020	3840
MS-05	2138	4043
MS-06	2207	4140
MS-07	2280	4316
MS-08	2367	4502
MS-09	2464	4731
MS-10	2556	5114
MS-11	2611	5454
MS-12	2666	5502
MS-13	2779	5755

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MS-14	2892	5797
MS-15	2900	5927
MS-16	3020	6096
MS-17	3059	6122
MS-18	3136	6412
MS-19	3174	6452
MS-20	3258	6828
MS-21	3341	6853
MS-22	3435	7163
MS-23	3528	7247
MS-24	3626	7406
MS-25	3724	7695
MS-26	3831	8115
MS-27	3937	8155
MS-28	4058	8562
MS-29	4178	8699
MS-30	4303	10004
MS-31	4432	10595
MS-32	4565	11277
MS-33	4702	12002
MS-34	4843	12848
MS-35	4988	13706
MS-36	5138	14685
MS-37	5292	15788
MS-38	5451	16164
MS-39	5615	16520
MS-60	8414	17588
MS-61	9093	18623
MS-62	9396	19094
MS-63	5783	20544
MS-64	10441	20722
MS-65	10812	21749
MS-66	10987	21993
MS-67	11163	22243

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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NOTE: Effective January 1, 2008, the merit compensation grade 12 in the Personnel Code [20 ILCS 415/8b.18(a) and (b) and 8b.19(a) and (b)] that formerly was indicated by MC-12 is MS-32.

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 14216, effective November 22, 2019, for a maximum of 150 days)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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**Section 310.APPENDIX G Broad-Band Pay Range Classes Salary Schedule  
EMERGENCY****Effective Upon Filing of Emergency Amendments**

<u>Title</u>	<u>Title Code</u>	<u>Minimum Salary</u>	<u>Maximum Salary</u>
<u>Health Information Administrator</u>	<u>18041</u>	<u>2674</u>	<u>7321</u>
<u>Human Resources Representative</u>	<u>19692</u>	<u>2324</u>	<u>6161</u>
<u>Human Resources Specialist</u>	<u>19693</u>	<u>2674</u>	<u>7321</u>
<u>Public Service Administrator</u>	<u>37015</u>	<u>3116</u>	<u>10253</u>
<u>Residential Services Supervisor</u>	<u>38280</u>	<u>2324</u>	<u>6161</u>
<u>Senior Public Service Administrator</u>	<u>40070</u>	<u>4295</u>	<u>12734</u>

**Effective July 1, 2013**

<b>Title</b>	<b>Title Code</b>	<b>Minimum Salary</b>	<b>Maximum Salary</b>
Health Information Administrator	18041	2674	6972
Human Resources Representative	19692	2324	5868
Human Resources Specialist	19693	2674	6972
Public Service Administrator	37015	3116	9765
Residential Services Supervisor	38280	2324	5868
Senior Public Service Administrator	40070	4295	12128

NOTE: The positions allocated to the Public Service Administrator and Senior Public Service Administrator titles that are assigned to the broad-banded salary range have options. See the definition of option in Section 310.500.

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 14216, effective November 22, 2019, for a maximum of 150 days)

## ILLINOIS STATE BOARD OF EDUCATION

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- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) 

<u>Section Numbers</u> :	<u>Emergency Actions</u> :
1.280	Amendment
1.285	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.130, 10-20.33, and 34-18.20
- 5) Effective Date of Emergency Rules: November 20, 2019
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: No
- 7) Date Filed with the Index Department: November 20, 2019
- 8) A statement that a copy of the emergency rules including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: ISBE is filing emergency rules regarding the use of time out and physical restraint by educational entities serving public school students. The practice of seclusion, which is isolation in a locked space, harms students' mental, physical, and social-emotional health. This practice has no therapeutic or educational value and can cause children lasting trauma. Current rules do not sufficiently regulate the practice of isolation, allowing for abuses that threaten the health and safety of students Statewide. Additionally, current rules allow for types of physical restraint that jeopardize student safety by potentially restricting a student's ability to breathe and speak normally. The emergency rules will prohibit these types of physical restraints, including prone and supine physical restraints. The emergency rules will provide the necessary protections for student safety that are currently absent. The emergency rules will also require school districts to submit data to ISBE on instances of time-out and physical restraint so that ISBE can identify and swiftly address both individual and systemic violations of inappropriate use of time-out and restraint across the state.
- 10) A complete Description of the Subjects and Issues Involved: The emergency rules make the following changes to Part 1:
  - Bans all isolated seclusion practices;

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## NOTICE OF EMERGENCY AMENDMENTS

- Time out shall be utilized only for therapeutic reasons or for protecting the safety of students or staff;
  - If time out is utilized, a trained adult must be in the room with the student;
  - Any space used for time out shall remain unlocked;
  - Bans physical restraints that could impair a student's ability to breathe or speak normally, and institutes strict parameters on when physical restraint is allowed;
  - Requires educational entities to submit data to ISBE within 48 hours of any instance of physical restraint or time out;
  - Requires educational entities to document the use of time out and physical restraint on a form created by the State Superintendent. Such form must also be sent to the parents of a student within 24 hours of the time out or physical restraint;
  - Eliminates the option for parents or guardians to waive notification of instances of time out or physical restraint;
  - Creates a complaint procedure for individuals to file complaints related to the use of time out and physical restraint.
- 11) Are there any other rulemakings to this Part pending? Yes
- |                        |                         |                                    |
|------------------------|-------------------------|------------------------------------|
| <u>Section Number:</u> | <u>Proposed Action:</u> | <u>Illinois Register Citation:</u> |
| 1.540                  | Amendment               | 43 Ill. Reg. 7389; July 5, 2019    |
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 13) Information and questions regarding these Emergency Rules shall be directed to:
- Azita Kakvand  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

Springfield IL 62777-0001

217/782-6510  
rules@isbe.net

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

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## NOTICE OF EMERGENCY AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

## PART 1

## PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

## SUBPART A: RECOGNITION REQUIREMENTS

## Section

- 1.10 Public School Accountability Framework
- 1.20 Operational Requirements
- 1.30 State Assessment
- 1.40 Adequate Yearly Progress
- 1.50 Calculation of Participation Rate
- 1.60 Subgroups of Students; Inclusion of Relevant Scores
- 1.70 Additional Indicators for Adequate Yearly Progress
- 1.75 Student Information System
- 1.77 Educator Licensure Information System (ELIS)
- 1.79 School Report Card
- 1.80 Academic Early Warning and Watch Status
- 1.85 School and District Improvement Plans; Restructuring Plans
- 1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency under Title III
- 1.90 System of Rewards and Recognition – The Illinois Honor Roll
- 1.95 Appeals Procedure
- 1.97 Survey of Learning Conditions
- 1.100 Waiver and Modification of State Board Rules and School Code Mandates
- 1.110 Appeal Process under Section 22-60 of the School Code

## SUBPART B: SCHOOL GOVERNANCE

## Section

- 1.210 Approval of Providers of Training for School Board Members under Section 10-16a of the School Code
- 1.220 Duties of Superintendent (Repealed)
- 1.230 Board of Education and the School Code (Repealed)
- 1.240 Equal Opportunities for all Students

## ILLINOIS STATE BOARD OF EDUCATION

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- 1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards
- 1.245 Waiver of School Fees
- 1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)
- 1.260 Commemorative Holidays to be Observed by Public Schools (Repealed)
- 1.270 Book and Material Selection (Repealed)
- 1.280 Discipline

EMERGENCY

- 1.285 Requirements for the Use of ~~Isolated~~ Time Out and Physical Restraint

EMERGENCY

- 1.290 Absenteeism and Truancy Policies

## SUBPART C: SCHOOL DISTRICT ADMINISTRATION

## Section

- 1.310 Administrative Qualifications and Responsibilities
- 1.320 Evaluation of Licensed Educators
- 1.330 Toxic Materials Training

## SUBPART D: THE INSTRUCTIONAL PROGRAM

## Section

- 1.410 Determination of the Instructional Program
- 1.420 Basic Standards
- 1.422 Electronic Learning (E-Learning) Days Pilot Program
- 1.423 Competency-Based High School Graduation Requirements Pilot Program
- 1.425 Additional Criteria for Physical Education
- 1.430 Additional Criteria for Elementary Schools
- 1.440 Additional Criteria for High Schools
- 1.442 State Seal of Biliteracy
- 1.443 Illinois Global Scholar Certificate
- 1.445 Required Course Substitute
- 1.450 Special Programs (Repealed)
- 1.460 Credit Earned Through Proficiency Examinations
- 1.462 Uniform Annual Consumer Education Proficiency Test (Repealed)
- 1.465 Ethnic School Foreign Language Credit and Program Approval
- 1.470 Adult and Continuing Education
- 1.480 Correctional Institution Educational Programs

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## SUBPART E: SUPPORT SERVICES

## Section

- 1.510 Transportation
- 1.515 Training of School Bus Driver Instructors
- 1.520 Home and Hospital Instruction
- 1.530 Health Services
- 1.540 Undesignated Epinephrine Auto-injectors; Opioid Antagonists

## SUBPART F: STAFF LICENSURE REQUIREMENTS

## Section

- 1.610 Personnel Required to be Qualified
- 1.620 Accreditation of Staff (Repealed)
- 1.630 Paraprofessionals; Other Unlicensed Personnel
- 1.640 Requirements for Different Certificates (Repealed)
- 1.650 Transcripts of Credits
- 1.660 Records of Professional Personnel

## SUBPART G: STAFF QUALIFICATIONS

## Section

- 1.700 Requirements for Staff Providing Professional Development
- 1.705 Requirements for Supervisory and Administrative Staff
- 1.710 Requirements for Elementary Teachers
- 1.720 Requirements for Teachers of Middle Grades
- 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades 6 and Above through June 30, 2004
- 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
- 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
- 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
- 1.740 Standards for Reading through June 30, 2004
- 1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
- 1.750 Standards for Media Services through June 30, 2004
- 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
- 1.760 Standards for School Support Personnel Services
- 1.762 Supervision of Speech-Language Pathology Assistants

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- 1.770 Standards for Special Education Personnel
- 1.780 Standards for Teachers in Bilingual Education Programs
- 1.781 Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12
- 1.782 Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12
- 1.783 Requirements for Administrators of Bilingual Education Programs
- 1.790 Substitute Teacher
- 1.792 Short-Term Substitute Teacher
- 1.794 Substitute Teachers; Recruiting Firms
  
- 1.APPENDIX A Professional Staff Educator Licensure
- 1.APPENDIX B Competency-Based High School Graduation Requirements Pilot Program Criteria for Review
- 1.APPENDIX C Glossary of Terms (Repealed)
- 1.APPENDIX D State Goals for Learning
- 1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
- 1.APPENDIX F Criteria for Determination – Student Performance and School Improvement (Repealed)
- 1.APPENDIX G Criteria for Determination – State Assessment (Repealed)
- 1.APPENDIX H Guidance and Procedures for School Districts Implementing the Illinois Global Scholar Certificate

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-21.4a, 10-22.43a, 21B-5, 21B-20, 22-30, 22-60, 24-24, 26-13, 27-3.5, 27-6, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255,

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effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448, effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580, effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012; amended at 38 Ill. Reg. 6127, effective February 27, 2014; amended at 38 Ill. Reg. 11203, effective May 6, 2014; amended at 39 Ill. Reg. 2773, effective February 9, 2015; emergency amendment at 39 Ill. Reg. 12369, effective August 20, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 13411, effective September 24, 2015; amended at 40 Ill. Reg. 1900, effective January 6, 2016; amended at 40 Ill. Reg. 2990, effective January 27, 2016; amended at 40 Ill. Reg. 4929, effective March 2, 2016; amended at 40 Ill. Reg. 12276, effective August 9, 2016; emergency amendment at 40 Ill. Reg. 15957, effective November 18, 2016, for a maximum of 150 days; amended at 41 Ill. Reg. 126, effective December 27, 2016; amended at 41 Ill. Reg. 4430, effective April 5, 2017; amended at 41 Ill. Reg. 6924, effective June 2, 2017; emergency amendment at 41 Ill. Reg. 8932, effective June 28, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 14044, effective November 3, 2017; amended at 42 Ill. Reg. 11512, effective June 8, 2018; amended at 43 Ill. Reg. 3792, effective February 28, 2019; amended at 43 Ill. Reg. 10213, effective August 30, 2019; amended at 43 Ill. Reg. 10718, effective September 11, 2019; amended at 43 Ill. Reg. 13324, effective October 29, 2019; emergency amendment at 43 Ill. Reg. 14305, effective November 20, 2019, for a maximum of 150 days.

## SUBPART B: SCHOOL GOVERNANCE

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**Section 1.280 Discipline**  
**EMERGENCY**

Section 24-24 of the School Code [105 ILCS 5] provides for teachers, other licensed educational employees (except for individuals employed as a paraprofessional educator) and persons providing a related service for or with respect to a student as determined by the board of education to maintain discipline in the schools.

- a) The board of education shall establish and maintain a parent-teacher advisory committee as provided in Section 10-20.14 of the School Code .
- b) The board of education shall establish a policy on the administration of discipline in accordance with the requirements of Sections 10-20.14 and 24-24 of the School Code and disseminate that policy as provided in Section 10-20.14 of the School Code.
- e) ~~Any use of isolated time out or physical restraint permitted by a board's policy shall conform to the requirements of Section 1.285. If isolated time out or physical restraint is to be permitted, the policy shall include:~~
  - 1) ~~the circumstances under which isolated time out or physical restraint will be applied;~~
  - 2) ~~a written procedure to be followed by staff in cases of isolated time out or physical restraint;~~
  - 3) ~~designation of a school official who will be informed of incidents and maintain the documentation required pursuant to Section 1.285 when isolated time out or physical restraint is used;~~
  - 4) ~~the process the district or other administrative entity will use to evaluate any incident that results in an injury that the affected student (or the responsible parent or guardian), staff member, or other individual identifies as serious;~~
  - 5) ~~a description of the alternative strategies that will be implemented when determined advisable pursuant to Section 1.285(f)(4); and~~

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- ~~6)~~ a description of the district's or other administrative entity's annual review of the use of isolated time out or physical restraint, which shall include at least:
- ~~A)~~ the number of incidents involving the use of these interventions,
  - ~~B)~~ the location and duration of each incident,
  - ~~C)~~ identification of the staff members who were involved,
  - ~~D)~~ any injuries or property damage that occurred, and
  - ~~E)~~ the timeliness of parental notification and administrative review.

~~c)4)~~ In addition to, or as part of, its policy on the maintenance of discipline, each board of education shall adopt policies and procedures regarding the use of behavioral interventions for students with disabilities who require intervention. Each board's policies and procedures shall conform to the requirements of Section 14-8.05(c) of the School Code.

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 14305, effective November 20, 2019, for a maximum of 150 days)

**Section 1.285 Requirements for the Use of ~~Isolated~~ Time Out and Physical Restraint**

~~Time~~~~Isolated time~~ out and physical restraint as defined in this Section shall be used only for therapeutic purposes, ~~or as means of maintaining discipline in schools (that is, as a means of maintaining a safe and orderly environment for learning,) and only~~ to the extent ~~that they are~~ necessary to preserve the safety of students and others. Neither ~~isolated~~ time out nor physical restraint shall be used ~~in administering discipline to individual students, i.e.,~~ as a form of punishment. ~~Nothing in this Section or in Section 1.280 of this Part shall be construed as regulating the restriction of students' movement when that restriction is for a purpose other than the maintenance of an orderly environment (e.g., the appropriate use of safety belts in vehicles).~~

- a) "~~Time~~~~Isolated time~~ out" means a behavior management technique that involves the monitored separation of a student from classmates with a trained adult for part of the school day, usually for a brief time, in a non-locked setting~~the confinement of a student in a time out room or some other enclosure, whether within or outside the classroom, from which the student's egress is restricted. The use of isolated~~

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~~time out shall be subject to the following requirements.~~

- 1) Any enclosure used for ~~isolated~~ time out shall:
  - A) meet all of the health/life safety requirements of 23 Ill. Adm. Code 180;
  - B) have the same ceiling height as the surrounding room or rooms and be large enough to accommodate not only the student being placed on time out~~isolated~~ but also the~~any~~ other individual who is required to accompany that student under this Section; and
  - ~~C) B)~~ be constructed of materials that cannot be used by students to harm themselves or others, be free of electrical outlets, exposed wiring, and other objects that could be used by students to harm themselves or others, and be designed so that students cannot climb up the walls. ~~(including walls far enough apart so as not to offer the student being isolated sufficient leverage for climbing); and~~
  - ~~C)~~ be designed to permit continuous visual monitoring of and communication with the student.
- 2) If an enclosure used for ~~isolated~~ time out is fitted with a door, the door shall not be locked at any time during the time out~~either a steel door or a wooden door of solid core construction shall be used. If the door includes a viewing panel, the panel shall be unbreakable.~~
- 3) An adult trained under this Section who is responsible for supervising the student must~~shall~~ remain with the student at all times during the time out~~within two feet of the enclosure.~~
- 4) ~~The adult responsible for supervising the student must be able to see the student at all times. If a locking mechanism is used on the enclosure, the mechanism shall be constructed so that it will engage only when a key, handle, knob, or other similar device is being held in position by a person, unless the mechanism is an electrically or electronically controlled one that is automatically released when the building's fire alarm system is triggered. Upon release of the locking mechanism by the supervising~~

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~~adult, the door must be able to be opened readily.~~

- b) "Physical restraint" means holding a student or otherwise restricting the student's~~his or her~~ movements. "Physical restraint" as permitted pursuant to this Section includes only the use of specific, planned techniques (e.g., the "basket hold" and "team control"). A physical restraint shall not impair a student's ability to breath or speak normally. Prone or supine physical restraint shall not be permitted.
- c) The requirements set forth in subsections (d) through ~~(i)(h)~~ of this Section shall not apply to the actions described in this subsection (c) because, pursuant to Section 10-20.33 of the School Code [105 ILCS 5/10-20.33], *"restraint" does not include momentary periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with limited force and designed to:*
- 1) *prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property; or*
  - 2) *remove a disruptive student who is unwilling to leave the area voluntarily.*
- d) The use of physical restraint shall be subject to the following requirements.
- 1) Pursuant to Section 10-20.33 of the School Code, physical restraint may only be employed when:
    - A) *the student poses a physical risk to himself, herself, or others,*
    - B) *there is no medical contraindication to its use, and*
    - C) *the staff applying the restraint have been trained in its safe application as specified in subsection (i)(2)(h)(2) of this Section.*
  - 2) Students shall not be subjected to physical restraint for using profanity or other verbal displays of disrespect for themselves or others. A verbal threat shall not be considered as constituting a physical danger unless a student also demonstrates a means of or intent to carry out the threat.
  - 3) Except as permitted by the administrative rules of another State agency

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operating or licensing a facility in which elementary or secondary educational services are provided (e.g., the Illinois Department of Corrections, [the Illinois Department of Juvenile Justice](#), or the Illinois Department of Human Services), mechanical or chemical restraint (i.e., the use of any device other than personal physical force to restrict the limbs, head, or body) shall not be employed.

- 4) Medically prescribed restraint procedures employed for the treatment of a physical disorder or for the immobilization of a person in connection with a medical or surgical procedure shall not be used as means of physical restraint for purposes of maintaining discipline.
  - 5) Any application of physical restraint shall take into consideration the safety and security of the student. ~~Physical~~[Further, physical](#) restraint shall not rely upon pain as an intentional method of control.
  - 6) In determining whether a student who is being physically restrained should be removed from the area where the restraint was initiated, the supervising adult shall consider the potential for injury to the student, the student's need for privacy, and the educational and emotional well-being of other students in the vicinity.
  - 7) If physical restraint is imposed upon a student whose primary mode of communication is sign language or an augmentative mode, the student shall be permitted to have his or her hands free of restraint for brief periods, unless the supervising adult determines that this freedom appears likely to result in harm to the student or others.
- e) Time Limits
- 1) A student shall not be kept in ~~isolated~~ time out for longer than is therapeutically necessary. [No less than once every 15 minutes, the trained adult must assess whether the student has ceased presenting the specific behavior for which the time out was imposed, which shall not be for more than 30 minutes after he or she ceases presenting the specific behavior for which isolated time out was imposed or any other behavior for which it would be an appropriate intervention.](#)
  - 2) A student shall be released from physical restraint immediately upon a

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determination by the staff member administering the restraint that the student is no longer in imminent danger of causing physical harm to himself, herself, or others.

## f) Documentation and Evaluation

- 1) In a form and manner prescribed by the State Superintendent, a written record of each episode of ~~isolated~~ time out or physical restraint shall be maintained in the student's temporary record. The official designated under this Section pursuant to Section 1.280(e)(3) of this Part shall also maintain a copy of each of these records. Each record shall include, but is not limited to, all of the following:
  - A) the student's name;
  - B) the date of the incident;
  - C) the beginning and ending times of the incident;
  - D) a description of any relevant events leading up to the incident;
  - E) a description of any interventions used prior to the implementation of ~~isolated~~ time out or physical restraint;
  - F) a description of the incident and/or student behavior that resulted in ~~isolated~~ time out or physical restraint;
  - G) a log of the student's behavior in ~~isolated~~ time out or during physical restraint, including a description of the restraint techniques used and any other interaction between the student and staff;
  - H) a description of any injuries (whether to students, staff, or others) or property damage;
  - I) a description of any planned approach to dealing with the student's behavior in the future;
  - J) a list of the school personnel who participated in the

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- implementation, monitoring, and supervision of ~~isolated~~ time out or physical restraint;
- K) the date on which parental notification took place as required by subsection (g) of this Section.
- 2) The school official designated ~~under this Section pursuant to Section 1.280(c)(3) of this Part~~ shall be notified of the incident as soon as possible, but no later than the end of the school day on which it occurred.
- 3) The record described in subsection (f)(1) of this Section shall be completed by the beginning of the school day following the episode of ~~isolated~~ time out or physical restraint.
- 4) The requirements of this subsection (f)(4) shall apply whenever an episode of ~~isolated~~ time out exceeds 30 minutes, an episode of physical restraint exceeds 15 minutes, or repeated episodes have occurred during any three-hour period.
- A) A licensed educator knowledgeable about the use of ~~isolated~~ time out or trained in the use of physical restraint, as applicable, shall evaluate the situation.
- B) The evaluation shall consider the appropriateness of continuing the procedure in use, including the student's potential need for medication, nourishment, or use of a restroom, and the need for alternate strategies (e.g., assessment by a mental health crisis team, assistance from police, or transportation by ambulance).
- C) The results of the evaluation shall be committed to writing and copies of this documentation shall be placed into the student's temporary student record and provided to the official designated ~~under this Section pursuant to Section 1.280(c)(3) of this Part~~.
- 5) When a student ~~experiences~~ ~~has first experienced~~ three instances of ~~non-therapeutic~~ ~~isolated~~ time out or physical restraint, the school personnel who initiated, monitored, and supervised the incidents shall initiate a review of the effectiveness of the procedures used and prepare an individual behavior plan for the student that provides either for continued use of

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these interventions or for the use of other, specified interventions. The plan shall be placed into the student's temporary student record. The review shall also consider the student's potential need for an alternative program or for special education eligibility, or, for a student already eligible for special education, change in program.

- A) The district or other entity serving the student shall invite the student's parents or guardians to participate in this review and shall provide ten days' notice of its date, time, and location.
- B) The notification shall inform the parents or guardians that the student's potential need for special education or an alternative program, or, for students already eligible for special education, the student's potential need for a change in program, will be considered and that the results of the review will be entered into the temporary student record.

g) Notification to Parents

- 1) A district whose policies on the maintenance of discipline include the use of ~~isolated~~ time out or physical restraint shall notify parents to this effect as part of the information distributed annually or upon enrollment pursuant to Sections 10-20.14 and 14-8.05(c) of the School Code [105 ILCS 5/10-20.14 and 14-8.05(c)].
- 2) Within 24 hours after any use of ~~isolated~~ time out or physical restraint, the school district or other entity serving the student shall send the form required under subsection (f)(1)~~written notice of the incident~~ to the student's parents, ~~unless the parent has provided the district or other entity with a written waiver of this requirement for notification. The notification shall include the student's name, the date of the incident, a description of the intervention used, and the name of a contact person with a telephone number to be called for further information.~~

h) Report to the State Superintendent

- 1) No later than 48 hours after any use of time out or physical restraint, the school district or other entity serving the student shall, in a form and

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manner prescribed by the State Superintendent, submit the information required under subsection (f)(1) to the State Superintendent.

- 2) The State Superintendent reserves the authority to require districts to submit the information required under subsection (f)(1) for previous school years.

~~i)h)~~ Requirements for Training

- 1) Any adult who is supervising a student in time out or applying physical restraint shall be trained in de-escalation, restorative practices, and behavior management practices.

~~2)~~ ~~Isolated~~-Time Out

Each district, cooperative, or joint agreement whose policy permits the use of ~~isolated~~ time out shall provide training, orientation to its staff members covering at least the written procedure established pursuant to Section 1.280(c)(2) of this Part.

~~3)2)~~ Physical Restraint

- A) Physical restraint as defined in this Section shall be applied only by individuals who have received systematic training that includes all the elements described in subsection ~~(i)(3)(B)(h)(2)(B)~~ of this Section and who have received a certificate of completion or other written evidence of participation. An individual who applies physical restraint shall use only techniques in which he or she has received training within the preceding two years, as indicated by written evidence of participation.
- B) Training with respect to physical restraint may be provided either by the employer or by an external entity and shall include, but need not be limited to:
- i) appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship-building, and the use of alternatives to restraint;

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- ii) a description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
  - iii) the simulated experience of administering and receiving a variety of physical restraint techniques, ranging from minimal physical involvement to very controlling interventions;
  - iv) instruction regarding the effects of physical restraint on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
  - v) instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
  - vi) demonstration by participants of proficiency in administering physical restraint.
- C) An individual may provide training to others in a particular method of physical restraint only if he or she has received written evidence of completing training in that technique that meets the requirements of subsection ~~(i)(3)(B)(h)(2)(B)~~ of this Section within the preceding one-year period.
- j) Any use of time out or physical restraint permitted by a board's policy shall include:
- 1) the circumstances under which time out or physical restraint will be applied;
  - 2) a written procedure to be followed by staff in cases of time out or physical restraint;

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- 3) designation of a school official who will be informed of incidents and maintain the documentation required under this Section when time out or physical restraint is used;
  - 4) the process the district or other entity serving public school students will use to evaluate any incident that results in an injury to the affected student;
  - 5) a description of the district's or other entity's annual review of the use of time out or physical restraint, which shall include at least:
    - A) the number of incidents involving the use of these interventions;
    - B) the location and duration of each incident;
    - C) identification of the staff members who were involved;
    - D) any injuries or property damage that occurred; and
    - E) the timeliness of parental notification, timelines of agency notification, and administrative review.
- k) Complaint Procedures
- 1) Any parent, individual, organization, or advocate may file a signed, written complaint with the State Superintendent alleging that a local school district or other entity serving the student has violated this Section. The complaint shall include the facts on which the complaint is based; the signature and contact information for the complainant; the names and addresses of the students involved (and the name of the school of attendance), if known; a description of the nature of the problem, including any facts relating to the problem; and a proposed resolution of the problem to the extent known.
  - 2) The State Superintendent shall only consider a complaint if it alleges a violation occurring not more than one year prior to the date on which the complaint is received.
  - 3) The State Superintendent must issue a written decision to the complainant that addresses each allegation in the complaint and contains findings of

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fact and conclusion; the reasons for the State Board of Education's final decision; and orders for any action, including technical assistance.

- 4) The complaint procedure under this Section does not limit, diminish, or otherwise deny the federal and State rights and procedural safeguards afforded to students with disabilities.

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 14305, effective November 20, 2019, for a maximum of 150 days)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SECOND NOTICES RECEIVED

The following second notices were received during the period of November 19, 2019 through November 22, 2019. These rulemakings are scheduled for the December 17, 2019 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.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
1/2/20	<u>Public Health</u> , Illinois Plumbing Code (77 Ill. Adm. Code 890)	12/28/18 42 Ill. Reg. 24640	12/17/19
1/4/20	<u>Workers' Compensation Commission</u> , Miscellaneous (50 Ill. Adm. Code 9110)	9/13/19 43 Ill. Reg. 9945	12/17/19
1/5/20	<u>State Employees' Retirement System of Illinois</u> , The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill. Adm. Code 1540)	10/4/19 43 Ill. Reg. 10771	12/17/19
1/5/20	<u>Natural Resources</u> , Illinois Natural Areas Stewardship Program (17 Ill. Adm. Code 3051)	8/16/19 43 Ill. Reg. 8657	12/17/19