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# ILLINOIS

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## REGISTER

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March 17, 2017 Volume 41, Issue 11

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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 2017

<b>Issue#</b>	<b>Rules Due Date</b>	<b>Date of Issue</b>
1	December 27, 2016	January 6, 2017
2	January 3, 2017	January 13, 2017
3	January 9, 2017	January 20, 2017
4	January 17, 2017	January 27, 2017
5	January 23, 2017	February 3, 2017
6	January 30, 2017	February 10, 2017
7	February 6, 2017	February 17, 2017
8	February 14, 2017	February 24, 2017
9	February 21, 2017	March 3, 2017
10	February 27, 2017	March 10, 2017
11	March 6, 2017	March 17, 2017
12	March 13, 2017	March 24, 2017
13	March 20, 2017	March 31, 2017
14	March 27, 2017	April 7, 2017
15	April 3, 2017	April 14, 2017
16	April 10, 2017	April 21, 2017
17	April 17, 2017	April 28, 2017
18	April 24, 2017	May 5, 2017
19	May 1, 2017	May 12, 2017
20	May 8, 2017	May 19, 2017

21	May 15, 2017	May 26, 2017
22	May 22, 2017	June 2, 2017
23	May 30, 2017	June 9, 2017
24	June 5, 2017	June 16, 2017
25	June 12, 2017	June 23, 2017
26	June 19, 2017	June 30, 2017
27	June 26, 2017	July 7, 2017
28	July 3, 2017	July 14, 2017
29	July 10, 2017	July 21, 2017
30	July 17, 2017	July 28, 2017
31	July 24, 2017	August 4, 2017
32	July 31, 2017	August 11, 2017
33	August 7, 2017	August 18, 2017
34	August 14, 2017	August 25, 2017
35	August 21, 2017	September 1, 2017
36	August 28, 2017	September 8, 2017
37	September 5, 2017	September 15, 2017
38	September 11, 2017	September 22, 2017
39	September 18, 2017	September 29, 2017
40	September 25, 2017	October 6, 2017
41	October 2, 2017	October 13, 2017
42	October 10, 2017	October 20, 2017
43	October 16, 2017	October 27, 2017
44	October 23, 2017	November 3, 2017
45	October 30, 2017	November 13, 2017
46	November 6, 2017	November 17, 2017
47	November 13, 2017	November 27, 2017
48	November 20, 2017	December 1, 2017
49	November 27, 2017	December 8, 2017
50	December 4, 2017	December 15, 2017
51	December 11, 2017	December 26, 2017
52	December 18, 2017	December 29, 2017

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Money Pool Agreements
- 2) Code Citation: 83 Ill. Adm. Code 340
- 3) Section Number: 340.60                      Proposed Action:  
Amendment
- 4) Statutory Authority: Implementing Sections 7-101 and 7-102 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/7-101, 7-102, and 10-101].
- 5) A Complete Description of the Subjects and Issues Involved: A "money pool agreement" is an agreement among affiliates that provides a mechanism for borrowing or lending monies among affiliates repayable on demand for original terms to maturity of 365 days or less, but excluding routine bank transactions. The proposed amendment would exempt "electing providers" from the required filings and procedures set forth in Section 340.60 of the rule. Under that section, companies must file quarterly reports about transactions with affiliates relating to money pool agreements, identify the affiliates with which they may engage in money pool agreements, and report rating agency downgrades, to below high-grade status, of affiliates that have direct borrowing relationships with them. The rates of Electing Providers that have chosen market regulation are competitive [220 ILCS 5/13-506.2(c)], and therefore their retail services are not subject to rate regulation that requires or uses the information reported under Section 340.60. Removing Electing Providers from the scope of these reporting requirements is consistent with the directive of Section 13-512 of the Public Utilities Act [220 ILCS 5/13-512] that the Commission modify or repeal regulations that are no longer in the public interest because of the reasonable availability of competitive telecommunications services.
- 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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- 11) Statement of Statewide Policy Objective: The proposed rulemaking neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register*, in Docket No. 17-0098 with:  
  
Elizabeth Rolando, Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield IL 62701  
  
217/782-7434
- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. This rulemaking will not affect any small municipalities or not-for-profit corporations.
  - B) Reporting, bookkeeping or other procedures required for compliance:  
Bookkeeping and filing procedures
  - C) Types of professional skills necessary for compliance: Managerial and accounting skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: The Commission did not anticipate the need for this rulemaking at that time.

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER B: PROVISIONS APPLICABLE TO MORE  
THAN ONE KIND OF UTILITY

PART 340  
MONEY POOL AGREEMENTS

## Section

340.10	Applicability
340.20	Definitions
340.30	Minimum Requirements for Short-Term Loans from Affiliates to Utilities
340.40	Minimum Requirements for Short-Term Loans from Utilities to Affiliates
340.50	Investment of Money Pool Funds
340.60	Required Filings and Procedures

AUTHORITY: Implementing Sections 7-101 and 7-102 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/7-101, 7-102, and 10-101].

SOURCE: Adopted at 28 Ill. Reg. 8473, effective June 15, 2004; amended at 36 Ill. Reg. 3884, effective March 1, 2012; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 340.60 Required Filings and Procedures**

- a) This Section does not apply to small utilities [or electing providers](#).
- b) All filings required by this Section shall be signed and verified under oath by an executive officer having knowledge of the facts and filed with the Office of the Chief Clerk of the Commission in duplicate with a copy provided to the Manager of the Finance Department. Each filing shall state on its face the Docket number of the proceeding authorizing the utility's participation in the money pool agreement.
- c) Documentation of transactions. Utilities are required to file a quarterly report documenting all daily deposits, borrowings, interest income, and interest expense relating to transactions with affiliates. The first report shall be filed within 30 days after the end of the applicable calendar or fiscal quarter in which the order authorizing the agreement is entered or by August 14, 2004 for filings made pursuant to an agreement entered into before June 15, 2004. Thereafter, reports

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

shall be filed covering the transactions during each successive calendar or fiscal quarter, each report to be filed within 30 days after the end of each quarter.

The Such written documentation shall include the following:

- 1) Utilities subject to the requirements of Section 340.30 shall provide the daily balances of loans outstanding from an affiliate to the utility for each day of the calendar or fiscal quarter.
- 2) Utilities subject to the requirements of Section 340.40 shall provide:
  - A) The daily net balances of transactions that increase the loan balances;
  - B) The daily net balances of transactions that decrease the loan balances;
  - C) Total accrued interest for the applicable quarter;
  - D) The applicable interest rate for each day of the quarter;
  - E) The maturity date of each loan and any renewal dates;
  - F) The qualification of affiliates to borrow from a utility pursuant to Section 340.40(b);
  - G) For borrowers meeting the requirements of Section 340.40(b)(2) or (b)(5), the report shall provide detailed statements documenting the unused amount of the borrower's or its guarantors' high-grade committed credit facility, the amount of funds invested in the securities described in Section 340.50(a)(1) and (2), the balance of funds invested in each of the investments available under Section 340.50(a), exclusive of the amount invested in the securities described in Section 340.50(a)(1) and (2), and the total amount the utility loaned to affiliates as of the end of the applicable quarter; and
  - H) For borrowers meeting the requirements of Section 340.40(b)(1), (b)(3) or (b)(4), the report shall provide the credit ratings of the applicable affiliates.



## ILLINOIS COMMERCE COMMISSION

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- d) The utility shall file a report listing all of the affiliates with which it can participate in the money pool agreement. An update of the report shall be filed as a part of the quarterly report described in subsection (b). An additional update shall be filed within ~~10~~<sup>ten</sup> days after an affiliate that has a direct borrowing relationship with the utility is added to the money pool agreement. The updated reports shall contain a list of all companies involved and indicate which companies have been added and the date those companies entered into the money pool agreement.
- e) Any credit rating downgrades to any affiliate that has a direct borrowing relationship with the utility by a credit ratings agency, which results in ~~the such~~ affiliate no longer being a high-grade credit issuer, shall be reported to the utility and the Manager of the Commission's Finance Department within ~~10~~<sup>ten</sup> days after any such downgrade. Each filing shall state on its face the Docket number of the proceeding authorizing the utility's participation in the money pool agreement.
- f) Confidential ~~Treatment~~<sup>treatment</sup> of ~~Filings Made Pursuant~~<sup>filings made pursuant</sup> to this Section-
- 1) For filings made pursuant to a proceeding authorizing the utility's participation in the money pool agreement in which the petition was filed after June 15, 2004, the filing entity shall include in its petition a request for confidential treatment for any documents for which it desires confidential treatment after the filing of the documents.
  - 2) For filings made pursuant to a money pool agreement entered into before June 15, 2004, a filing utility seeking confidential treatment of these documents shall file a petition pursuant to 83 Ill. Adm. Code 200.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Standards of Service and Customer Credits for Electing Providers and Competitive Non-Electing Providers
- 2) Code Citation: 83 Ill. Adm. Code 737
- 3) Section Number: 737.430                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing Section 13-506.2 and authorized by Section 10-101.1 of the Public Utilities Act [220 ILCS 5/13-506.2 and 10-101.1].
- 5) A Complete Description of the Subjects and Issues Involved: The rulemaking would delete two reporting requirements from Section 737.430: of outages isolating mobile switching centers (MSCs) from 9-1-1 service, and of outages resulting in the physical staffing of 9-1-1 call boxes. Mobile switching centers are part of cellular/mobile telecommunications networks and are not used to provide local exchange services. Because Part 737 does not pertain to cellular/mobile telecommunications service, inclusion in the Part of a reporting requirement for MSCs is unnecessary and confusing. To avoid confusion and to remove superfluous language from the Part, the reference to reporting MSC outages is being deleted from Section 737.430(a)(3).  
  
Second, the proposed amendment would delete the requirement that certain outages resulting in the physical staffing of 9-1-1 call boxes be reported to the Commission. Section 737.430(d) requires the reporting of outages affecting 9-1-1 service in accordance with Part 725, Standards of Service Applicable to 9-1-1 Emergency Systems. Part 725 was recently amended, however, to eliminate a requirement that 9-1-1 call boxes be physically staffed. In light of that amendment to Part 725, the reference in Section 737.430(d) to reporting outages that result in the physical staffing of 9-1-1 call boxes is superfluous and is now being deleted.
- 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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide policy Objective: The proposed rulemaking neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Comments should be filed, within 45 days after the date of this issue of the *Illinois Register*, in Docket No. 17-0061 with:

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

217/782-7434

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

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

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

PART 737

STANDARDS OF SERVICE AND CUSTOMER CREDITS FOR ELECTING PROVIDERS  
AND COMPETITIVE NON-ELECTING PROVIDERS

SUBPART A: GENERAL

Section

- 737.100 Application of Part
- 737.110 Definitions
- 737.120 Waiver
- 737.130 Reporting

SUBPART B: STANDARDS OF QUALITY OF SERVICE

Section

- 737.200 Service Quality for Basic Local Exchange Service
- 737.220 Calculation of Performance Data for Installation
- 737.230 Calculation of Performance Data for Out-of-Service Conditions
- 737.240 Calculation of Performance Data for Missed Installation or Repair Appointments
- 737.250 Calculation of Performance Data for Trouble Reports

SUBPART C: CUSTOMER CREDITS

Section

- 737.300 Customer Credits for Basic Local Exchange Service Violations

SUBPART D: SAFETY OF SERVICE EQUIPMENT AND FACILITIES

Section

- 737.400 Safety
- 737.410 Emergency Operations
- 737.420 Incorporation of National Codes and Standards
- 737.430 Network Outages and Notification
- 737.440 Interoffice Trunks
- 737.450 Central Office Administrative Requirements

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## SUBPART E: BOUNDARIES

Section	
737.500	Map Requirements
737.510	Map Specifications
737.520	Changes to Existing Boundaries
737.530	Service Outside Exchange Boundaries
737.540	Map Maintenance

## SUBPART F: CONSTRUCTION AND MAINTENANCE

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

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

SOURCE: Adopted at 36 Ill. Reg. 15022, effective October 1, 2012; amended at 39 Ill. Reg. 364, effective December 22, 2014; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART D: SAFETY OF SERVICE EQUIPMENT AND FACILITIES

**Section 737.430 Network Outages and Notification**

- a) Each Local Provider shall inform the Commission verbally or via e-mail of any service interruption exceeding 30 minutes duration caused by a complete or partial central office failure or complete or partial isolation of an exchange due to toll circuit failure, including cut cables. A reportable outage is any one of the following occurrences with duration, unless otherwise specified, of at least 30 minutes affecting more than 50% of the customers and affecting more than 100 access lines in the affected exchange:
  - 1) Toll isolation;
  - 2) Loss of dial tone;

## ILLINOIS COMMERCE COMMISSION

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- 3) One or more end offices ~~or MSC switches~~ or host/remote clusters is isolated from 9-1-1 service;
  - 4) There is loss of ANI/ALI processing; or
  - 5) Simplex conditions exceed 5 days.
- b) The notification shall be made via telephone call to (217)558-6166 or via e-mail at the outage notification e-mail address posted on the Commission's website and shall consist of the following information:
- 1) Affected Area Code/Prefix
  - 2) Exchange name
  - 3) Local Provider name
  - 4) Cause of interruption
  - 5) Outage date and time
  - 6) Restoral date and time
  - 7) Effect on 9-1-1 service
  - 8) Name and number of persons reporting the service interruption.
- c) A follow-up written report shall be filed within 30 days, either via U.S. Postal Service, facsimile or e-mail.
- d) All outages affecting 9-1-1 services shall be reported in accordance with 83 Ill. Adm. Code 725, Standards Applicable to 9-1-1 Emergency Systems. ~~In particular, any cut cables or loss of host remote links that result in the physical staffing of 9-1-1 call boxes are to be reported as soon as possible.~~
- e) Whenever it is necessary to interrupt customer service for the purpose of working on the distribution system or central office equipment, the work should be completed with minimal customer impact. The Local Provider shall use reasonable efforts to notify in advance public service customers (e.g., 9-1-1

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

entities, police, fire, hospitals) it reasonably believes may be most seriously affected by the interruption. Any customer credits for interrupted service shall be made pursuant to Section 737.300.

- f) The requirements of this Section apply to a Local Provider only to the extent that it owns and/or operates the network facilities and/or equipment that results in an interruption or outage.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Presubscription
- 2) Code Citation: 83 Ill. Adm. Code 773
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
773.5	Repealed
773.10	Repealed
773.100	Repealed
773.120	Repealed
773.140	Repealed
773.145	Repealed
773.150	Repealed
- 4) Statutory Authority: Implementing Section 13-506.2 and authorized by Section 10-101.1 of the Public Utilities Act [220 ILCS 5/13-506.2 and 10-101.1].
- 5) A Complete Description of the Subjects and Issues Involved: The rulemaking would repeal the entire part. "Presubscription" is the process by which a customer can designate an interexchange carrier (or long distance carrier) to access for long distance calls, allowing the customer to make those calls using the designated carrier without dialing an access code. Part 773 currently requires each local exchange carrier to provide presubscription and to notify customers of their presubscription rights, and the part contains other requirements related to presubscription.

An order by the Federal Communications Commission issued on December 28, 2015, granted forbearance to local exchange carriers from the FCC's own presubscription rules. Presubscription requirements were established in the aftermath of the breakup of the Bell System, and the FCC's 2015 order noted the dramatic changes that have occurred in telephone service and in the long distance market since those requirements were originally imposed—changes that have considerably undermined, if they have not eliminated, the basis for presubscription requirements.

The presubscription requirements of Part 773 are inconsistent with the FCC's grant of forbearance and the rationale for the FCC's action. To eliminate those inconsistencies, and in keeping with the mandate in Section 13-512 of the Public Utilities Act that the Commission repeal or modify regulations that are no longer in the public interest because of the reasonable availability of competitive telecommunications services, the agency proposes to repeal Part 773.



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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed rulemaking neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register*, in Docket No. 17-0062 with:

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

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. This rulemaking will not affect any small municipalities or not-for-profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance:  
Bookkeeping and filing procedures
- C) Types of professional skills necessary for compliance: Managerial and accounting skills

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

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

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER f: TELEPHONE UTILITIESPART 773  
PRESUBSCRIPTION (REPEALED)

## Section

773.5	Applicability
773.10	Definitions
773.100	Obligation to Provide Presubscription
773.110	Implementation (Repealed)
773.120	IntraMSA Calls Not Subject to Presubscription
773.130	Waivers and Extensions (Repealed)
773.140	Customer Notification
773.145	Presubscription Changes and Charges
773.150	Interexchange Carrier Participation
773.160	Presubscription Charges and Cost Recovery (Repealed)
773.170	Information Requirements (Repealed)

AUTHORITY: Implementing Sections 13-403, 13-404, 13-405, and 13-902 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-403, 13-404, 13-405, 13-902, and 10-101].

SOURCE: Adopted at 19 Ill. Reg. 14789, effective November 1, 1995; amended at 28 Ill. Reg. 4196, effective March 1, 2004; repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 773.5 Applicability**

- a) This Part shall apply to any telecommunications carrier, as defined in Section 13-202 of the Public Utilities Act ("Act") [220 ILCS 5/13-202] providing local exchange telecommunications service as defined in Section 13-204 of the Act [220 ILCS 5/13-204] or interexchange telecommunications service as defined in Section 13-205 of the Act [220 ILCS 5/13-205]. In addition, this Part shall apply to any entity certificated by the Illinois Commerce Commission ("Commission") under Section 13-403, Section 13-404, or Section 13-405 of the Act [220 ILCS 5/13-403, 13-404, 13-405].
- b) This Part shall not apply to any telecommunications carrier that is subject to 83

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

Ill. Adm. Code 760, "Cellular Radio Exclusion."

**Section 773.10 Definitions**

"1-PIC" is a presubscription method in which a customer's presubscribed calls are carried by the interexchange carrier (IXC) of the customer's choice, without the use of access codes.

"2-PIC" is a presubscription method in which a customer's inter-market service area (MSA) calls are carried by an IXC of the customer's choice and its intraMSA presubscribed calls are carried, at the customer's choice, by the local exchange carrier (LEC), by the IXC chosen to carry interMSA calls, or by another IXC, without the use of access codes.

*"Incumbent local exchange carrier" or "incumbent LEC" means, with respect to an area, the telecommunications carrier that provided noncompetitive local exchange telecommunications service in that area on February 8, 1996 and on that date was deemed a member of the exchange carrier association pursuant to 47 CFR 69.601(b), and includes its successors, assigns, and affiliates [220 ILCS 5/13-202].*

"Interexchange carrier" or "IXC" means a telecommunications carrier under the Act that provides interexchange telecommunications services as defined in Section 13-205 of the Act. A telecommunications carrier is both an IXC and a LEC if it provides both interexchange and local exchange telecommunications services.

"Local exchange carrier" or "LEC" means a telecommunications carrier under the Act that provides local exchange telecommunications services. A telecommunications carrier is both an IXC and a LEC if it provides both interexchange and local exchange telecommunications services.

"Presubscription" is a procedure by which a customer can predesignate one or more IXCs to access for its presubscribed switched intraMSA and interMSA calls, without dialing an access code.

"Subscriber" means the party identified in the account records of a telecommunications carrier as responsible for payment of the telephone bill; any adult person authorized by such party to change telecommunications services or

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

to charge services to the account; or any person contractually or otherwise lawfully authorized to represent such party. "Subscriber" does not mean, however, retail business subscribers served by more than 20 lines.

**Section 773.100 Obligation to Provide Presubscription**

- a) Each LEC shall provide 2-PIC presubscription consistent with this Part and with Section 13-902 of the Act [220 ILCS 5/13-902]. Telecommunications carriers should also be aware of federal requirements on this matter found at 47 CFR Sections 64.1100 – 64.1195.
- b) Each LEC providing presubscription within an exchange(s) using the 1-PIC method as of December 31, 1993 is exempted from the requirements of this Part as long as it continues to provide 1-PIC presubscription.

**Section 773.110 Implementation (Repealed)****Section 773.120 IntraMSA Calls Not Subject to Presubscription**

- a) In its intrastate presubscription tariff, each LEC shall specify which intraMSA switched calls are not subject to presubscription for each of its exchanges.
- b) For each incumbent LEC exchange, intraMSA calls shall not be subject to presubscription if they originate and terminate within the geographic area within which the LEC provides calling through one or more of the following: flat rate service, residence untime calling and usage measured service bands that do not exceed 15 miles from the exchange wire center, and/or flat rate or measured Extended Area Service, as defined in the LEC's tariffs.
- c) The following calls shall not be subject to presubscription: road conditions (e.g., 2-1-1), non-emergency calls (e.g., 3-1-1), local directory assistance (e.g., 4-1-1), human services (e.g., 5-1-1), local repair (e.g., 6-1-1), telecommunications relay service (e.g., 7-1-1), emergency (e.g., 9-1-1), 0-operator services, and local pay-per-call (e.g., 976) calls. Calls using the 500, 700, 800, 866, 877, 888, or 900 service access codes shall not be subject to this Part.
- d) For incumbent LECs, 0+ calls shall not be subject to presubscription if they originate and terminate within the geographic area described in subsection (b).

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

**Section 773.130 Waivers and Extensions (Repealed)****Section 773.140 Customer Notification**

- a) Each LEC shall provide oral, written, or prerecorded information to its customers of the availability of presubscription. The information shall be provided in clear and neutral language, and shall describe presubscription, the option of presubscription, how to unfreeze or change a PIC, and any related charges in a manner that does not attempt to influence customers regarding their selections.
- b) On an incoming call from a new customer requesting network access service, the company representative shall inform the customer that he has a choice of long distance providers and that different providers can be chosen for local toll (intraLATA) and long distance (interLATA) services.

**Section 773.145 Presubscription Changes and Charges**

- a) Subscribers may change their presubscription selections at any time.
- b) Each LEC may impose a tariffed charge for changes in a subscriber's presubscription selections.
- c) Any LEC that imposes a charge for changes in a subscriber's presubscription selections shall file a tariff pursuant to Section 9-201 or Section 13-504(a) of the Act [220 ILCS 9-201 or 13-504(a)] for this charge.

**Section 773.150 Interexchange Carrier Participation**

Carriers (including LECs and IXC's) may carry presubscribed intraMSA calls if they have effective intrastate tariffs to provide such services and if they have made the necessary arrangements with the LEC.

**Section 773.160 Presubscription Charges and Cost Recovery (Repealed)****Section 773.170 Information Requirements (Repealed)**

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3) Section Number: 1800.810                      Proposed Action:  
Amendment
- 4) Statutory Authority: Authorized by Section 78 (a) (3) and (b) of the Video Gaming Act [230 ILCS 40/78 (a) (3) and (b)].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking adds a new subsection (c) to Section 1800.810 (Location and Placement of Video Gaming Terminals). The new subsection provides that all video gaming terminals located in a licensed establishment, licensed fraternal establishment, or licensed veterans establishment shall be placed in an area where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises. The designated area shall have seating facilities for customers or members apart from seating at the video gaming terminals. The service of alcoholic liquor within the video gaming area shall be done by the licensee.

Section 55 of the Video Gaming Act [230 ILCS 10/55] (Precondition for licensed location) establishes a nexus between video gaming location licenses and liquor licenses by requiring licensed establishments, licensed fraternal organizations, and licensed veterans organizations to hold valid licenses under the Liquor Control Act of 1934 [235 ILCS 5/1-1 et seq.]. Section 55 also restricts the operation of video gaming terminals to the same hours of operation generally permitted to holders of a liquor license within the unit of local government within which they are located. Section 5 of the Video Gaming Act [230 ILCS 10/5] (Definitions) defines a "licensed establishment" as any licensed retail establishment where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises, whether the establishment operates on a nonprofit or for profit basis. Given these close statutory ties between liquor licenses and video gaming location licenses, it is appropriate to limit video gaming play to those areas within a licensed video gaming location where alcoholic liquor is actually served.

Furthermore, because Section 5's definition of "licensed establishment" specifically refers to consumption of alcoholic liquor on the premises, it is appropriate to require the

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

designated video gaming area to have separate seating facilities for the serving of alcoholic liquor, with service provided by the licensee.

- 6) Published studies and reports, and underlying sources of data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this proposed rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
1800.220	Amendment	40 Ill. Reg. 16454; December 30, 2016
1800.320	Amendment	40 Ill. Reg. 2669; February 24, 2017
1800.250	Amendment	40 Ill. Reg. 2751; March 3, 2017
1800.110	Amendment	40 Ill. Reg. 2777; March 10, 2017
1800.320	Amendment	40 Ill. Reg. 2777; March 10, 2017
1800.1710	New Section	40 Ill. Reg. 2777; March 10, 2017
1800.1720	New Section	40 Ill. Reg. 2777; March 10, 2017
1800.1730	New Section	40 Ill. Reg. 2777; March 10, 2017
1800.1740	New Section	40 Ill. Reg. 2777; March 10, 2017

- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under 30 ILCS 805.

- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

Agostino Lorenzini  
 General Counsel  
 Illinois Gaming Board  
 160 North LaSalle Street



## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENT

Chicago IL 60601

fax: 312/814-7253

Agostino.lorenzini@igb.illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: The rulemaking will affect small businesses that are licensed under the Act as licensed establishments, licensed fraternal establishments, or licensed veterans establishments.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: The proposed rulemaking will impose no additional requirements.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized in a regulatory agenda because it was not anticipated at the time agendas were published.

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

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED 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

## ILLINOIS GAMING BOARD

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- 1800.420 Qualifications for Licensure
- 1800.430 Persons with Significant Influence or Control
- 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

ILLINOIS GAMING BOARD

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Section

- 1800.710 Coverage of Subpart
- 1800.715 Notice of Proposed Disciplinary Action Against Licensees
- 1800.720 Hearings in Disciplinary Actions
- 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

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

- 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
- 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

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENT

## 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

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

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENT

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. \_\_\_\_\_, effective \_\_\_\_\_.

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

- a) All licensed video gaming locations and terminal operators shall be responsible for the proper placement, installation, maintenance and oversight of video gaming terminals within a licensed video gaming location as prescribed by the Act and this Part.
- b) All video gaming terminals must be located in an area restricted to persons over 21 years of age. For all licensed video gaming locations that restrict admittance to patrons 21 years of age or older, a separate restricted area is not required. Any licensed video gaming location that allows minors to enter where video gaming terminals are located shall separate any video gaming terminals from the area accessible by minors. In those licensed video gaming locations where separation from minors under 21 is required, a physical barrier to the gaming area is required, which may consist of a short partition, gate or rope or other means of separation. No barrier shall visually obscure the entrance to the gaming area from an employee of the licensed video gaming location who is over the age of 21.
- c) All video gaming terminals located in a licensed establishment, licensed fraternal establishment, or licensed veterans establishment shall be placed in an area where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises. The designated area shall have seating facilities for customers or members apart from seating at the video gaming terminals. The service of alcoholic liquor within the video gaming area shall be done by the licensee.
- de) When two or more adjacent businesses appear to the Administrator to be a single business, or are operated by the same or commingled ownership, then the Administrator may limit those businesses to the maximum number of video gaming terminals. The maximum will be the number permitted under Illinois law

## ILLINOIS GAMING BOARD

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for one business as the total number of video gaming terminals authorized for both or more such businesses, where the Administrator determines that the limitation would further the intent of the Act and the integrity of video gaming in the State of Illinois.

- 1) In the event the Administrator decides that two or more adjacent businesses shall be a single business for purposes of determining the maximum number of video gaming terminals to which they are entitled, the Administrator shall provide the affected businesses with written notice of this decision in accordance with the notice requirements of Section 1800.615.
  - 2) An applicant that has been deemed to constitute a single business with one or more adjacent businesses for purposes of determining the maximum number of video gaming terminals to which it is entitled may submit a request for hearing to the Board. The hearing procedures shall be those set forth in Subpart F.
- ed) The owner, manager or employee of the licensed video gaming location who is over 21 years of age shall be present during all hours of operation, and the video gaming terminals or the entrance to the video gaming terminal area must be within the view of at least one owner, manager or employee.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers:                      Proposed Actions:  
     140.20                                      Amendment  
     140.475                                  Amendment  
     140.481                                  Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: The proposed amendments codify wheelchair reimbursement methodology implemented in 2013 and add an accreditation requirement for durable medical equipment and supply providers. The amendments implement the requirements created in PA 99-895.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
140.80	Amendment	40 Ill. Reg. 14999; November 4, 2016
140.473	Amendment	40 Ill. Reg. 15271; November 14, 2016
140.74	New Section	40 Ill. Reg. 15645; November 28, 2016
140.3	Amendment	40 Ill. Reg. 16464; December 30, 2016
140.400	Amendment	40 Ill. Reg. 16464; December 30, 2016
140.423	New Section	40 Ill. Reg. 16464; December 30, 2016
140.424	New Section	40 Ill. Reg. 16464; December 30, 2016

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

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

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Durable medical equipment and supply providers
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was summarized on the July 1, 2016 HFS Regulatory Agenda.

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER d: MEDICAL PROGRAMS

## PART 140

## MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

## Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Persons Confined or Detained by the Criminal Justice System

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Suspension and Denial of Payment, Recovery of Money and Penalties
- 140.16 Termination, Suspension or Exclusion of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- Program
- 140.18 Effect of Termination, Suspension, Exclusion or Revocation on Persons Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension, Exclusion or Barring
- 140.20 Submittal of Claims
- 140.21 Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
- 140.22 Magnetic Tape Billings (Repealed)
- 140.23 Payment of Claims
- 140.24 Payment Procedures
- 140.25 Overpayment or Underpayment of Claims
- 140.26 Payment to Factors Prohibited
- 140.27 Assignment of Vendor Payments
- 140.28 Record Requirements for Medical Providers
- 140.30 Audits
- 140.31 Emergency Services Audits
- 140.32 Prohibition on Participation, and Special Permission for Participation
- 140.33 Publication of List of Sanctioned Entities
- 140.35 False Reporting and Other Fraudulent Activities
- 140.40 Prior Approval for Medical Services or Items
- 140.41 Prior Approval in Cases of Emergency
- 140.42 Limitation on Prior Approval
- 140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
- 140.44 Withholding of Payments Due to Fraud or Misrepresentation
- 140.45 Withholding of Payments Upon Provider Audit, Quality of Care Review, Credible Allegation of Fraud or Failure to Cooperate
- 140.55 Electronic Data Interchange Service
- 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
- 140.72 Drug Manual (Recodified)
- 140.73 Drug Manual Updates (Recodified)

## SUBPART C: PROVIDER ASSESSMENTS

Section

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

140.80	Hospital Provider Fund
140.82	Developmentally Disabled Care Provider Fund
140.84	Long Term Care Provider Fund
140.86	Supportive Living Facility Funds
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 140.371 Payment (Recodified)
- 140.372 Review Procedure (Recodified)
- 140.373 Utilization (Repealed)
- 140.374 Alternatives (Recodified)
- 140.375 Exemptions (Recodified)
- 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
- 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.391 Definitions (Recodified)
- 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.398 Hearings (Recodified)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

- Section
- 140.400 Payment to Practitioners
- 140.402 Copayments for Noninstitutional Medical Services
- 140.403 Telehealth Services
- 140.405 Non-Institutional Rate Reductions
- 140.410 Physicians' Services
- 140.411 Covered Services By Physicians
- 140.412 Services Not Covered By Physicians
- 140.413 Limitation on Physician Services
- 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Prescribers
- 140.416 Optometric Services and Materials
- 140.417 Limitations on Optometric Services
- 140.418 Department of Corrections Laboratory
- 140.420 Dental Services
- 140.421 Limitations on Dental Services
- 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists (Repealed)
- 140.425 Podiatry Services
- 140.426 Limitations on Podiatry Services
- 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry (Repealed)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Clinical Laboratory Services
140.431	Services Not Covered by Independent Clinical Laboratories
140.432	Limitations on Independent Clinical Laboratory Services
140.433	Payment for Clinical Laboratory Services
140.434	Record Requirements for Independent Clinical Laboratories
140.435	Advanced Practice Nurse Services
140.436	Limitations on Advanced Practice Nurse Services
140.438	Diagnostic Imaging Services
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Legend Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.451	Prospective Drug Review and Patient Counseling
140.452	Mental Health Services
140.453	Definitions
140.454	Types of Mental Health Services
140.455	Payment for Mental Health Services
140.456	Hearings
140.457	Therapy Services
140.458	Prior Approval for Therapy Services
140.459	Payment for Therapy Services
140.460	Clinic Services
140.461	Clinic Participation, Data and Certification Requirements
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140.903	Definitions (Recodified)
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140.906	Reconsiderations (Recodified)
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140.908	Times and Staff Levels (Recodified)
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140.928	Client Enrollment and Program Components (Repealed)
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- 140.956 Payments to Contracting Hospitals (Recodified)
- 140.958 Admitting and Clinical Privileges (Recodified)
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AUTHORITY: Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

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SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective

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December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988;



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amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1,

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1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24,

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1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days;

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emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective

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November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill.

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Reg. 18323, effective November 12, 2008; preemptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; preemptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253, effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2348, effective February 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 3831, effective March 13, 2013; emergency amendment at 37 Ill. Reg. 5058, effective April 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013;

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amended at 37 Ill. Reg. 6196, effective April 29, 2013; amended at 37 Ill. Reg. 7985, effective May 29, 2013; amended at 37 Ill. Reg. 10282, effective June 27, 2013; amended at 37 Ill. Reg. 12855, effective July 24, 2013; emergency amendment at 37 Ill. Reg. 14196, effective August 20, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 17584, effective October 23, 2013; amended at 37 Ill. Reg. 18275, effective November 4, 2013; amended at 37 Ill. Reg. 20339, effective December 9, 2013; amended at 38 Ill. Reg. 859, effective December 23, 2013; emergency amendment at 38 Ill. Reg. 1174, effective January 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 4330, effective January 29, 2014; amended at 38 Ill. Reg. 7156, effective March 13, 2014; amended at 38 Ill. Reg. 12141, effective May 30, 2014; amended at 38 Ill. Reg. 15081, effective July 2, 2014; emergency amendment at 38 Ill. Reg. 15673, effective July 7, 2014, for a maximum of 150 days; emergency amendment at 38 Ill. Reg. 18216, effective August 18, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 18462, effective August 19, 2014; amended at 38 Ill. Reg. 23623, effective December 2, 2014; amended at 39 Ill. Reg. 4394, effective March 11, 2015; emergency amendment at 39 Ill. Reg. 6903, effective May 1, 2015 through June 30, 2015; emergency amendment at 39 Ill. Reg. 8137, effective May 20, 2015, for a maximum of 150 days; emergency amendment at 39 Ill. Reg. 10427, effective July 10, 2015, for a maximum of 150 days; emergency expired December 6, 2015; amended at 39 Ill. Reg. 12825, effective September 4, 2015; amended at 39 Ill. Reg. 13380, effective September 25, 2015; amended at 39 Ill. Reg. 14138, effective October 14, 2015; emergency amendment at 40 Ill. Reg. 13677, effective September 16, 2016, for a maximum of 150 days; emergency expired February 12, 2017; amended at 41 Ill. Reg. 999, effective January 19, 2017; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

**Section 140.20 Submittal of Claims**

- a) When claims for payment are submitted to the Department, providers shall:
  - 1) Use Department designated billing forms or electronic format for submittal of charges; and
  - 2) Certify that:
    - A) They have personally rendered the services and provided the items for which charges are being made;

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- B) Payment has not been received, or that only partial payment has been received;
  - C) The charge made for each item constitutes the complete charge;
  - D) They have not, and will not, accept additional payment for any item from any person or persons; ~~and~~
  - E) They will not make additional charges to, nor accept additional payment from, any persons if the charges they present are reduced by the Department to conform to Department standards; ~~and~~
  - F) In the case of providers of medical equipment, supplies, prosthetic devices and orthotic devices, the provider is accredited by a healthcare accrediting body approved by the federal Centers for Medicare and Medicaid Services and recognized by the Department under Section 140.475(a).
- b) Statement of Certification
- 1) All billing statements shall contain a certification statement that must remain unaltered, and must be legibly signed and dated in ink by the provider, his or her designated alternate payee, or his or her authorized representative. A rubber stamp or facsimile signature is not acceptable.
  - 2) An "authorized representative" may only be a trusted employee over whom the provider has direct supervision on a daily basis and who is personally responsible on a daily basis to the provider. The representative must be specifically designated and must sign the provider's name and his or her own initials on each certification statement.
  - 3) An alternate payee must be specifically designated by the provider and must sign the provider's name and alternate payee's authorized representative's initials on each certification statement.
- c) Effective July 1, 2012, to be eligible for payment consideration, a provider's vendor-payment claim or bill, either as an initial or resubmitted claim following



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prior rejection, that can be processed without obtaining additional information from the provider of the service or from a third party, must be received by the Department, or its fiscal intermediary, no later than 180 days after the date on which medical goods or services were provided, with the following exceptions:

- 1) The Department must receive a claim after disposition by Medicare or its fiscal intermediary no later than 24 months after the date on which medical goods or services were provided.
- 2) In the case of a provider whose enrollment is in process by the Department, the 180-day period shall not begin until the date on the written notice from the Department that the provider enrollment is complete.
- 3) In the case of errors attributable to the Department or any of its claims processing intermediaries that result in an inability to receive, process or adjudicate a claim, the 180-day period shall not begin until the provider has been notified of the error.
- 4) In the case of a provider for whom the Department initiates the monthly billing process.
- 5) For claims for rendered during a period for which a recipient received retroactive eligibility, claims must be filed within 180 days after the Department determines the applicant is eligible.
- 6) For claims for which the Department is not the primary payer, claims must be submitted to the Department within 180 days after the final adjudication by the primary payer.
  - A) For purpose of this subsection (c)(6), a primary payer is a payer that can reasonably be expected to make payments within 120 days after the date of service; for example, other medical insurance or a group health plan, when the patient is the insured party. Primary payer does not include payers who are not reasonably expected to pay within 120 days; for example, liability insurance and workers' compensation, when the patient is not the insured party.

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- B) During the 180 day period beginning November 15, 2014, providers may submit claims and request a time override from the Department for claims with dates of service on and after July 1, 2012 not filed because of the provider's belief that it could file after final adjudication by an insurer when the patient was not the insured party. A provider asking for such a time override shall also provide a copy of the request for time override to the Department's Bureau of Collections, with a written notification to the Bureau indicating the names and addresses of other parties, insurers or attorneys involved in attempting to recover, defend or settle possible damages to the patient that resulted in the services provided. Failure to provide the required information to the Bureau shall result in a denial of the request for time override.
- 7) In the case of long term care facilities, admission documents shall be submitted as provided in Section 140.513. Confirmation numbers assigned to an accepted transaction shall be retained by a facility to verify timely submittal. Once an admission transaction has been completed, the Department will generate a monthly billing statement (remittance advice) for the services rendered to the admitted Medicaid eligible resident from date of admission through date of discharge. Any disputes regarding payment for services provided from the date of admission through date of completion of the admission transaction must be submitted to the Department for Payment Review Request (HFS Form 3725) no later than 180 days after the date of completion of the admission transaction. For any disputes regarding payment for services rendered after the date of completion of the admission transaction, the Payment Review Request must be submitted to the Department within 180 days after:
- A) date of the remittance advice that initially shows the adjudication for the date or dates of service that are disputed;
- B) the date of the remittance advice that rejects a previously adjudicated claim, if rejection is the basis for the disputed payment; or

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- C) the date of the remittance advice that adjusts a previously adjudicated claim, if the adjustment is the basis for the disputed payment.
- 8) For hospital inpatient claims, the 180 days is measured from the date of discharge.
- 9) Per Public Act 98-104, in the case of a provider operated by a unit of local government with a population exceeding 3,000,000, when local government funds finance federal participation for claims payment, a claim must be received by the Department or its fiscal intermediary no later than one year after the date on which medical goods or services were provided.
- d) Claims that are not submitted and received in compliance with the foregoing requirements will not be eligible for payment under the Department's Medical Assistance Program, and the State shall have no liability for payment of the claim.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

**Section 140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices**

- a) Payment for the provision of medical equipment, supplies, prosthetic devices and orthotic devices shall be made only to participating providers who are licensed or exempt from licensure under any licensure Act, including but not limited to the Home Medical Equipment and Services Provider License Act [225 ILCS 51], and who are accredited by a healthcare accrediting body approved by the federal Centers for Medicare and Medicaid Services (CMMS) and recognized by the Department. Accrediting bodies approved by CMMS and recognized by the Department may be found on the DMEPOS Accreditation website at <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/MedicareProviderSupEnroll/DMEPOS Accreditation.html>.
- b) Payment for medical equipment, supplies, prosthetic devices and orthotic devices shall be made:

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- 1) when:
  - A) they are essential to enable a client to remain at home or to function in the community; and
  - B) the client's physician has recommended in writing to the Department or in a patient care plan that the supplies or equipment be provided and that they are medically necessary; and
  - C) the Department has approved payment based on consideration of:
    - i) the client's medical condition,
    - ii) the benefits the item is expected to effect,
    - iii) the client's ability to adjust to and to use the item recommended, and
    - iv) in the case of a communication device, whether the device will increase the client's potential for full participation in health care by assisting in cause and effect awareness, or training physical movements or improving the client's understanding and comprehension of his or her health needs and responsibilities; or
- 2) when the Individual Program Plan (IPP) of an individual with developmental disabilities residing in an ICF/MR or a long term care facility identifies the equipment, supplies, prosthetic devices and orthotic devices that are necessary for his or her participation in active treatment as described in 42 CFR 483.440, Condition of Participation: Active Treatment Service.
- c) Payment shall be made for the repair of prosthetic devices, orthotic devices and medical equipment owned by recipients if the item is out of warranty and the sum of the individual repair parts and the labor does not exceed 75 percent of the cost of a new unit. Labor charges are to be included in the repair price. A guarantee

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of at least 180 days must be provided. Charges shall not include tax, delivery, rebate, packaging or freight. The Department may agree to assume repair costs of a rented or loaned communication system if such an agreement is required by the manufacturer's or vendor's rental or loan terms. The Department may deny payment for repairs if evidence indicates that damage has resulted from abuse of the equipment.

- d) Payment shall be made for loaner items issued pending repair or replacement of prosthetic devices, orthotic devices and medical equipment owned by recipients if it is the usual practice of the supplier to provide and charge for such items.
- e) Covered services are:
  - 1) Non-durable medical supplies for an individual's life maintenance care and treatment;
  - 2) Durable medical equipment essential to expedite a hospital discharge and to enable the person to be cared for at home;
  - 3) Prosthetic and orthotic devices, including communication devices, that are essential to enhance functional mobility or medically necessary communication, or are essential for employment;
  - 4) Respiratory equipment and supplies necessary as a life saving measure or for prevention of a medical emergency, institutionalization, or to facilitate deinstitutionalization; and
  - 5) Repair of durable medical equipment, prosthetic devices and orthotic devices.
- f) Payment shall be made for covered services on a prior approval basis, except as provided under Section 140.477.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids**

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- a) ~~Notwithstanding the provisions set forth in this Section, beginning July 1, 2002, the reimbursement rates paid for medical equipment, supplies, prosthetic devices and hearing aids shall be the lesser of the provider's usual and customary charge to the general public or 94 percent of the fiscal year 2002 rate otherwise determined by the Department under this Section.~~ b) Payment for Medical Equipment. Medical equipment is durable, reusable equipment such as ~~wheelchairs,~~ hospital beds, canes, walkers, etc. Payment for medical equipment is made for covered items or services at the lesser of the provider's charge or the maximum allowable rate established by the Department. ~~The maximum allowable rate established by the Department for each item of medical equipment is to be based on pricing for widely accepted quality items. The Department shall review and update the maximum allowable rate at least annually. Widely accepted quality items are items which are not below average quality for like medical equipment and which are available statewide.~~ The maximum allowable rate established for each item or service shall be the rate on the Department's fee schedule. The Department's maximum established rate on the fee schedule shall be based on Medicare's rate the year the procedure code was established minus 6 percent. If there is no rate established on the Department's fee schedule, the maximum allowable rate established for each item or service shall be the least of:
- 1) The average suggested retail price derived from available medical supply catalogs and/or providers' price lists; or
  - 2) The wholesale price, defined effective July 1, 2013 as actual acquisition cost including all discounts, derived from available medical supply catalogs and/or providers' price lists for each item plus 50 percent; or
  - 3) The Medicare allowable rate for covered Medicare items or services.
- b) Payment for wheelchairs and wheelchair parts and accessories is made for covered items or services at the lesser of the provider's charge or the maximum allowable rate established by the Department. The maximum allowable rate established for each item or service shall be the rate on the Department's fee schedule. The Department's maximum established rate on the fee schedule shall be based on Medicare's rate the year the procedure code was established minus 6 percent. If there is no rate established on the Department's fee schedule, the

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maximum allowable rate established for each item or service shall be the Manufacturer's Suggested Retail Price (MSRP) minus 10 percent.

- c) Medical supplies are medical items which are not durable or reusable such as surgical dressings, disposable syringes, catheters, urinary bags, etc. Payment for medical supplies is made for covered items at the lesser of the provider's charge or the maximum allowable rate established by the Department. The maximum allowable rate established for each item shall be the rate on the Department's fee schedule. The Department's maximum established rate on the fee schedule shall be based on Medicare's rate the year the procedure code was established minus 6 percent. If there is no rate established on the Department's fee schedule, the~~The maximum allowable rate for each item of medical supplies shall be based on pricing for widely accepted quality items as defined in subsection (b). The Department shall review and update the maximum allowable rate at least annually.~~ The maximum allowable rate established for each item shall be the least of:
- 1) The average suggested retail price derived from available medical supply catalogs and/or providers' price lists; or
  - 2) The wholesale price derived from available medical supply catalogs and/or providers' price lists for each item plus 50 percent; or
  - 3) The Medicare allowable rate for covered Medicare items or services.
- d) Payment for Prosthetic and Orthotic Devices. Prosthetic and orthotic devices include corrective or supportive devices prescribed to artificially replace a missing portion of the body, or to prevent or correct physical deformity or malfunction, or to support a weak or deformed portion of the body. Payment for prosthetic and orthotic devices is made for covered items or services at the lesser of the provider's charge or the maximum allowable rate established by the Department. The maximum allowable rate established for each item or service shall be the rate on the Department's fee schedule. The Department's maximum established rate on the fee schedule shall be based on Medicare's rate the year the procedure code was established minus 6 percent. If there is no rate established on the Department's fee schedule, the~~The maximum allowable rate for each item of prosthetic and orthotic devices shall be based on pricing for widely accepted~~

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~~quality items as defined in subsection (b). The Department shall review and update the maximum allowable rate at least annually. The~~ maximum allowable rate established for each item shall be the least of:

- 1) The average suggested retail price derived from available medical supply catalogs and/or providers' price lists; or
  - 2) The wholesale price derived from available medical supply catalogs and/or providers' price lists for each item plus 50 percent; or
  - 3) The Medicare allowable rate for covered Medicare items or services.
- e) Payment for hearing aids shall be made at the lesser of the provider's charge or the maximum allowable rate established by the Department. The hearing aid shall be priced by the Department at the vendor's actual acquisition cost, without exceeding the Department's upper limits of reimbursement for the item. Acquisition cost is defined as the actual amount the supplying provider pays for the hearing aids. Any discounts, rebates or bonuses shall be subtracted when calculating the acquisition cost. The amount of any rebates or bonuses shall be prorated on all purchases for which the rebate or bonus was earned. The prorated share shall be subtracted when calculating the acquisition cost of the item. Verification of the vendor's acquisition cost must be attached to the request for reimbursement. In addition to payment for the acquisition costs, the Department will pay a dispensing fee. Payment for a dispensing fee shall include reimbursement for fitting, follow-up visits, shipping and retail markup. The Department shall review and update the maximum allowable rate at least annually.
- 1) To establish the maximum limit for the acquisition cost of the hearing aid, the Department shall review wholesale prices from available supply catalogs and provider price lists for the most widely accepted brands and types of technology.
  - 2) To establish the maximum allowable rate for the dispensing fee, the Department shall use an average of available rates charged by audiologists for three hearing aid follow-up visits, not to exceed the Department's maximum allowable rate for a physician visit of low complexity for an



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established patient, plus the average of available shipping fees charged by the wholesaler for hearing aid shipping and an amount for the retail mark-up, determined by taking 50 percent of the average wholesale price of the hearing aids reviewed.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Nuisance Wildlife Control Permits
- 2) Code Citation: 17 Ill. Adm. Code 525
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
525.10	Amendment
525.15	New Section
525.20	Amendment
525.30	Amendment
525.35	Renumbered/New Section
525.40	Renumbered/New Section
525.45	New Section
525.50	New Section
525.55	New Section
525.60	New Section
525.65	Renumbered/Amendment
525.70	New Section
525.75	New Section
525.80	Renumbered/Amendment
525.EXHIBIT A	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 2.37 of the Wildlife Code [520 ILCS 5/2.37].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to incorporate changes in federal regulations; incorporate innovations in technology used by industry; incorporate changes in the Department's operational procedures; and provide better organizational structure to this rule.
- 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

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- 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: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:
- Javonna Ackerman, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271
- 217/557-0126
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agenda's because: The Department did not anticipate the need for this rulemaking at the time the agendas were published.

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 WILDLIFE

PART 525  
 NUISANCE WILDLIFE CONTROL PERMITS

Section	
525.10	Purpose
<u>525.15</u>	<u>Definitions</u>
525.20	Requirements, <del>and</del> Application <u>and Permit Procedures</u>
525.30	General Provisions
525.35	<u>Approved Methods of Take: Game Mammals, Furbearing Mammals and Other Mammals</u> <del>Migratory Birds</del>
525.40	<u>Prohibited Methods of Take</u> <del>Revocation and Suspension of Permits—Hearings and Appeals</del>
<u>525.45</u>	<u>Disposition of Animals</u>
<u>525.50</u>	<u>Euthanasia</u>
<u>525.55</u>	<u>Bats</u>
<u>525.60</u>	<u>Game Birds</u>
<u>525.65</u>	<u>Migratory Birds</u>
<u>525.70</u>	<u>Business Practices</u>
<u>525.75</u>	<u>Exceptions to Permit Requirements and Provisions</u>
<u>525.80</u>	<u>Revocation and Suspension of Permits: Hearings and Appeals</u>

525.EXHIBIT A      Application for Nuisance Wildlife Control Permit

AUTHORITY: Implementing and authorized by Section 2.37 of the Wildlife Code [520 ILCS 5/2.37].

SOURCE: Adopted at 15 Ill. Reg. 4149, effective March 4, 1991; amended at 16 Ill. Reg. 1826, effective January 17, 1992; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 23 Ill. Reg. 3406, effective March 8, 1999; amended at 27 Ill. Reg. 735, effective January 6, 2003; amended at 29 Ill. Reg. 3919, effective February 24, 2005; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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**Section 525.10 Purpose**

This Part has been established to govern the taking, possession, transport, and disposition of ~~species protected~~Protected Species as defined by Section 2.2 of the Wildlife Code [520 ILCS 5/2.2] ~~that~~which are causing damage to property or a risk to human health or safety and the issuance of Nuisance Wildlife Control Permits. Activities authorized by Nuisance Wildlife Control Permits are governed solely by Sections 2.37 and 2.38 of the Wildlife Code and this Part. All other game protective provisions of the Wildlife Code do not apply unless referenced specifically by this Part.~~Drainage Districts controlling beavers under authority of the Wildlife Code [520 ILCS 5/2.37] and recipients of Nuisance Animal Removal Permits, Deer Removal Permits and Deer Population Control Permits are exempt from the provisions of this Part.~~

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 525.15 Definitions**

"Bait" means mammal, bird or fish flesh, fur, hide, entrails or feathers and parts thereof that are placed in or near a trap to lure wild animals.

"Bat" means members of the family Vespertilionidae.

"Cushion-hold trap" means a commercially manufactured trap of the spring-loaded type with offset jaws designed to capture an animal by closing upon one of its limbs and that is so constructed that the edges designed to touch the animal are composed of a nonmetallic substance that eliminates or mitigates injury to the trapped animal.

"Department" means Department of Natural Resources.

"Exterior exclusion" means sealing gaps, crevices, holes or other exterior means of access to a structure as part of a program to remove bats. Bats retain the ability to enter and exit a structure at one or more points of access until permanent eviction.

"Furbearing mammal" means the following species: mink, muskrat, raccoon, striped skunk, long-tailed weasel, least weasel, bobcat, opossum, beaver, river otter, badger, red fox, gray fox and coyote.

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"Game bird" means the following species: ruffed grouse, sharp-tailed grouse, northern bobwhite, gray partridge, chukar, ring-necked pheasant, greater prairie chicken and wild turkey.

"Game mammal" means the following species: cottontail rabbit, swamp rabbit, white-tailed deer, fox squirrel, gray squirrel and groundhog (woodchuck).

"Interior exclusion" means sealing gaps, crevices or other means of access to living quarters of a structure as part of a program to remove bats. Bats retain access to parts of a structure that are not frequented by humans and the ability to enter and exit this space until permanent eviction.

"Land set" means any trap or similar device that is not placed or set in contact with flowing or impounded water.

"Migratory bird" means wild migratory game birds and wild resident and migratory nongame birds protected by Section 2.2 of the Wildlife Code.

"Other mammals" means flying squirrel, red squirrel, eastern woodrat, golden mouse, rice rat and Franklin's ground squirrel.

"Permanent eviction" means use of exterior exclusion and installation of one-way doors, valves or vents that allow bats to exit a structure but bar re-entry. Locations of these devices are sealed permanently after eviction of bats.

"Protected species" means wild birds and mammals protected by Section 2.2 of the Wildlife Code.

"Restricted pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest, the use of which has been categorized as restricted under the Federal Insecticide Fungicide, and Rodenticide Act (7 USC 136), as amended, or under the Illinois Pesticide Act [415 ILCS 60].

"Submersion set" means a device that is set underwater or a water set that employs a slide wire or tangle stake.

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"Take" means hunt, shoot, pursue, lure, kill, destroy, capture, gig, spear, trap or ensnare, or attempt to do so.

"Water set" means any trap or similar device that is placed or set in contact with flowing or impounded water.

"Wildlife Code" or "Code" means the Illinois Wildlife Code [520 ILCS 5].

(Source: Added at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 525.20 Requirements, ~~and~~ Application and Permit Procedures**

- a) Any individual desiring to take game mammals, furbearing mammals, other mammals, bats or game birds ~~that control Protected Species which~~ are causing damage to property or risks a risk ~~to~~ human health or safety on the land of another, for a fee, must first obtain a valid Class A Nuisance Wildlife Control Permit from the Department. ~~Taking any protected species in violation of this subsection is a Class B misdemeanor (see 520 ILCS 5/2.33, 2.33(a)). Control of white-tailed deer and threatened or endangered species is prohibited except as provided for in Section 525.30(h). Unlawful taking of white-tailed deer is a Class B misdemeanor (see 520 ILCS 5/2.24), as is unlawful taking of migratory birds (see 520 ILCS 5/2.18). Unlawful taking of an endangered species is a Class A misdemeanor (see 520 ILCS 10/9).~~
- b) ~~Any person desiring to control Protected Species which are causing damage to property or a risk to human health or safety on the land of another, at no charge, must first obtain a valid Class B Nuisance Wildlife Control Permit from the Department. Not-for-profit (501(c)(3)) zoos and botanical gardens desiring to take control~~ protected species that are causing damage to property, risks or are a risk ~~to~~ human health or safety, or risks to specimens on lands owned by that entity must first obtain a valid Class B Nuisance Wildlife Control Permit from the Department. Landowners and tenants who desire to take migratory birds on their property, in accordance with a valid federal permit, and without the aid of a Class D or Class E permit, must first obtain a valid Class B Nuisance Wildlife Control Permit from the Department. ~~Control of white-tailed deer and migratory, threatened, or endangered species is prohibited except as provided for in Section 525.30(h). Unlawful taking of white-tailed deer is a Class B misdemeanor (see~~

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~~520 ILCS 5/2.24), as is unlawful taking of an endangered species (see 520 ILCS 5/2.18). Unlawful taking of migratory birds is a Class B misdemeanor (see 520 ILCS 10/9).~~

- c) Any governmental body desiring to take game mammals, furbearing mammals, other mammals, bats or game birds that control Protected Species which are causing damage to property or ~~risks~~a risk to human health or safety on lands governed, owned or managed by that governmental body must first obtain a valid Class C Nuisance Wildlife Control Permit from the Department. ~~Control of white-tailed deer and migratory, threatened, or endangered species is prohibited except as provided for in Section 525.30(h). Unlawful taking of white-tailed deer is a Class B misdemeanor (see 520 ILCS 5/2.24), as is unlawful taking of an endangered species (see 520 ILCS 5/2.18). Unlawful taking of migratory birds is a Class B misdemeanor (see 520 ILCS 10/9).~~
- d) Any individual desiring to take migratory birds that are causing damage to property, risks to human health or safety, or nuisances on the land of another, for a fee, must first obtain a valid Class D Nuisance Wildlife Control Permit from the Department.
- e) Any governmental body desiring to take migratory birds that are causing damage to property, risks to human health or safety, or nuisances on lands governed, owned or managed by that governmental body must first obtain a valid Class E Nuisance Wildlife Control Permit.
- f) Permit Procedures
- 1) To be eligible for a Class A or Class ~~DB~~ Nuisance Wildlife Control Permit the applicant must be at least 18 years of age.
  - 2) Application for a Nuisance Wildlife Control Permit shall be made on forms provided by the ~~Department~~Department's Division of Wildlife Program Development and Coordination and shall be obtained by ~~submitting a request to the Division.~~
  - 3) The Department shall issue a Class A Nuisance Wildlife Control Permit to an individual provided the applicant has:



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- A) met eligibility requirements as per this Section;
- B) achieved a score of at least 80% on a closed-book,~~passed a~~ written examination administered by the Department ~~that~~which tests the applicant's knowledge and understanding of:
- i) this Part;
  - ii) Sections 2.37 and 2.38 of the Wildlife Code~~[520 ILCS 5/2.37]~~;
  - iii) the Illinois List of Endangered and Threatened Fauna (17 Ill. Adm. Code 1010);
  - iv) the Illinois Dead Animal Disposal Act [225 ILCS 610];
  - v) "Specifications for the Humane Handling, Care, Treatment, and Transportation of Warmblooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates, and Marine Mammals" (9 CFR 3, subpart F~~(Subpart F, Subchapter A, ch. 1, Title 9 CFR, 2004)~~ ~~(no later editions or amendments are included)~~);
  - vi) Disease Free Certification and Quarantine Provisions for Propagation, Release, Importation, Exportation, and Transportation of Game Mammals, Game Birds, Migratory Birds, or Exotic Wildlife (17 Ill. Adm. Code 630); and
  - vii) diseases, life cycles, habits, and habitats of game mammals, furbearing mammals, other mammals, bats and game birds,~~common Illinois wildlife~~ as well as methods of preventing or controlling damage and risks to human health or safety caused by these species.
- C) completed a Hunter Safety Course administered by the Department or provided proof of equivalent training if guns are to be used to

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take or euthanize animals. Submission of discharge papers from the military (DD 214) showing certification as a marksman, sharpshooter or expert is considered proof of equivalent training.

- 4) ~~Each new applicant or person whose permit has been revoked or has expired shall be required to answer correctly at least 80% of the questions on the closed book examination. Applicants failing the required examination may repeat the exam after 45 days. Should a second failure occur, a six month waiting period from the date of the second exam is required. The examination sequence can be repeated no more than twice during any two year period.~~
- 45) The Department shall issue a Class B Nuisance Wildlife Control Permit to a landowner or tenant~~an individual~~ provided the applicant has:
- A) met eligibility requirements as per this Section;
  - B) provided a copy of his or her valid federal permit for taking migratory birds~~successfully completed an interview during which a representative of the Division of Wildlife Resources has determined the applicant's knowledge of wildlife and wildlife capture techniques sufficient to render services as provided for in this Section; and~~
  - C) completed a Hunter Safety Course administered by the Department or provided proof of equivalent training if guns are to be used to take or euthanize animals. Submission of discharge papers from the military (DD 214) showing certification as a marksman, sharpshooter or expert is considered proof of equivalent training.
- 5) Authorization granted to landowners or tenants and their agents for taking migratory birds is limited to properties owned or leased by those individuals and subject to refusal, revocation and/or suspension pursuant to subsections (g) through (j) of this Section and Section 525.80.
- 6) The Department shall issue a Class B Nuisance Wildlife Control Permit to a not-for-profit (501(c)(3)) zoo provided that entity is accredited by the

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American Zoological Association ~~and a staff member in charge of nuisance wildlife control activities complies with provisions set forth in Section 525.20(d)(5).~~ The Department shall issue a Class B Nuisance Wildlife Control Permit to a not-for-profit (501(c)(3)) botanical garden provided that entity is a member of the American Arboreta and Botanic Garden Association ~~and a staff member in charge of nuisance wildlife control activities complies with provisions set forth in Section 525.20(d)(5).~~ Authorization granted to not-for-profit zoos and botanical gardens is limited to properties owned by those entities and subject to refusal, revocation and/or suspension pursuant to ~~subsections Sections 525.20(g), through (j) of this Section 525.30(e), and Section 525.80525.40.~~

- 7) The Department shall issue a Class D Nuisance Wildlife Control Permit to an individual provided the applicant has:
- A) met eligibility requirements of this Section;
  - B) achieved a score of at least 80% on a closed book, written examination that tests the applicant's knowledge of:
    - i) this Part;
    - ii) Sections 2.37 and 2.38 of the Code;
    - iii) the Illinois List of Endangered and Threatened Fauna (17 Ill. Adm. Code 1010);
    - iv) the Illinois Dead Animal Disposal Act [225 ILCS 610];
    - v) Disease Free Certification and Quarantine Provisions for Propagation, Release, Importation, Exportation, and Transportation of Game Mammals, Game Birds, Migratory Birds, or Exotic Wildlife (17 Ill. Adm. Code 630);
    - vi) federal regulations (50 CFR 21.41); and

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- vii) diseases, life cycles, habits and habitats of migratory birds, as well as methods of preventing or controlling damage, risks to human health and safety, or nuisances caused by migratory birds.
- 8) Applicants failing the required examination may repeat the exam after 45 days. Should a second failure occur, a 6-month waiting period from the date of the second exam is required. The examination sequence can be repeated no more than twice during any 2-year period.
- 9) The Department shall issue a Class ~~EC~~ Nuisance Wildlife Control Permit to a governmental body upon approval of an application.
- ge) Violation of the Illinois Endangered Species Protection Act [520 ILCS 10], the Fish Code of 1971 [520 ILCS 5] or the Wildlife Code ~~[520 ILCS 5]~~ during the 3 years prior to application for a Class A or Class ~~DB~~ Nuisance Wildlife Control Permit shall be grounds for refusal to issue said permit.
- h) Providing incomplete, deceptive or false information on an application shall be grounds for refusal to issue a Nuisance Wildlife Control Permit. Providing deceptive or false information on an application is a Class A misdemeanor (see Section 2.38 of the Code).
- i) Permittees who have allowed their permits to expire or had their permits revoked or suspended for more than 60 days must reapply and retake any examinations required for issuance of Class A and Class D Nuisance Wildlife Control Permits.
- jf) Final ~~judgement~~judgment of applications shall be made by the Chief, Division of Wildlife ~~Resources Program Development and Coordination~~, or his/her designee, based on criteria in this Section and Section 525.80~~contained in subsection (d).~~
- k) Class A, B and C Nuisance Wildlife Control Permits shall be issued on an annual basis and expire January 31 of each year, except that:
- 1) permits issued to first-time applicants between November 1 and January 31 shall expire on January 31 of the following year;

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- 2) Class B permits issued to landowners and tenants for control of migratory birds on their property may be issued for a period of time that coincides with their federal permit.
- l) Class D and E Nuisance Wildlife Control Permits shall be issued on an annual basis and expire on September 1 of each year.
- g) ~~Providing deceptive or false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).~~

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 525.30 General Provisions**

- a) ~~Nuisance Wildlife Control Permits shall be issued on an annual basis and expire January 31 of each year. Nuisance Wildlife Control Permits are not transferable. Permitted Nuisance Wildlife Control is governed solely by Sections 2.37 and 2.38 of the Wildlife Code [520 ILCS 5/2.37 and 2.38] and this Part. All other provisions of The Game Protective Regulations of the Wildlife Code [520 ILCS 5] do not apply.~~
- b) Under no circumstances shall a Nuisance Wildlife Control Permit be used in lieu of a scientific collector's permit or sport or commercial licenses.
- e) ~~Permittee's method of taking fauna must be approved by the Department. Approved methods include, but are not limited to trapping and shooting. In addition,~~
- 1) ~~Only the following devices shall be used for land sets:~~
- A) ~~box traps, cage traps or traps of similar design;~~
- B) ~~EGG traps<sup>®</sup>, D-P<sup>®</sup> (Dog-Proof) traps or traps of similar design with a single access opening no larger than three square inches;~~
- C) ~~cushion-hold traps with no modifications from the manufacturer's specifications other than the addition of auxiliary springs and/or~~

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~~swivels. "Cushion hold trap" means an approved, commercially manufactured trap of the spring loaded type with offset jaws designed to capture an animal by closing upon one of its limbs and that is so constructed that the edges designed to touch the animal are composed of a non-metallic substance that eliminates or mitigates injury to the trapped animal; and~~

~~D) body gripping traps powered by two springs and having an inside jaw spread no larger than 25 square inches may be used if set inside a residence at least four inches from any outside surface of the structure or set outdoors at least eight feet from the ground and enclosed in a tube, cylinder or open-ended box constructed of solid wood, metal or plastic such that the trigger of the trap is located at least twelve inches from any entrance to the enclosure in which it is set.~~

~~E) Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(a)).~~

~~2) Body gripping traps, cushion hold traps, leghold traps, EGG<sup>®</sup> traps and D-P<sup>®</sup> (Dog Proof) traps or traps of similar design, Bailey beaver traps or traps of similar design, Snead colony traps or traps of similar design, and cage traps, box traps or traps of similar design may be used for water sets. Snares that are not powered by springs or other mechanical devices shall be used for water sets only if at least one half of the snare noose loop is located under water at all times; the noose loop diameter is not greater than 15 inches (38.1 CM); the snare is equipped with a mechanical lock, anchor swivel, and stop device to prevent the mechanical lock from closing the noose loop to a diameter of less than 2½ inches (6.4 CM); the cable diameter is not less than 5/64 inch (2.0 MM) but not greater than ¼ inch (3.2 MM); and the snare is not constructed of stainless steel metal cable or wire. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(a)).~~

~~3) It is unlawful to fail to visit and remove all animals from traps staked out, set, used, tended, placed or maintained at least once each calendar day. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(a)).~~

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- 4) ~~It is unlawful for any person to place, set, use, or maintain any trap or snare that is not tagged, inscribed, or otherwise identified with the permittee's name and address. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(a)).~~
- 5) ~~It is unlawful for any person to place, set, use, or maintain a cushion hold trap or leghold trap, in water, that has an inside jaw spread larger than 7½ inches (19.1 CM), or a body gripping trap having an inside jaw spread larger than 144 square inches. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(a)).~~
- 6) ~~It is unlawful for any person to place, set, use, or maintain a cushion hold trap, on land, that has an inside jaw spread larger than 6½ inches (16.6 CM). Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(a)).~~
- 7) ~~It is unlawful to use any trap with saw toothed, serrated, spiked, or toothed jaws. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(a)).~~
- 8) ~~It is unlawful to place, set, or maintain any leghold trap or cushion hold trap within 30 feet (9.14 m) of bait placed in such a manner or position that it is not completely covered and concealed from sight, except that this shall not apply to underwater sets. Bait shall mean and include any bait composed of mammal, bird, or fish flesh, fur, hide, entrails, or feathers. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(a)).~~
- 9) ~~It is unlawful to use any deadfall, pit trap, spear, gig, hook, crossbow, poison, chemical, explosive or any like device to take any Protected Species, except that commercially available gas cartridges that emit carbon monoxide or carbon dioxide as primary lethal agents may be used according to the manufacturer's specifications. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(a)).~~
- 10) ~~It is unlawful for any person, except persons permitted by law, to have or carry any gun in or on any vehicle, conveyance or aircraft, unless such gun is unloaded and enclosed in a case. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(n)).~~

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- 11) ~~It is unlawful to fire a rifle, pistol, revolver, or airgun on, over or into any waters of this State, including frozen waters. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(q)).~~
  - 12) ~~It is unlawful to discharge any gun along, upon, across, or from any public right of way or highway in this State. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(r)).~~
  - 13) ~~It is unlawful to use a silencer or other device to muffle or mute the sound of the explosion or report resulting from the firing of any gun. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(s)).~~
  - 14) ~~It is unlawful for any person to remove animals from or to move or disturb in any manner, the traps owned by another person without written authorization of the owner to do so. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(v)).~~
  - 15) ~~It is unlawful for any person to wantonly or carelessly injure or destroy, in any manner whatsoever, any real or personal property on the land of another while engaged in activities permitted by this Section. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(x)).~~
  - 16) ~~It is unlawful for any person to take any Protected Species during the gun deer hunting season in those counties open to gun deer hunting, unless he wears, when in the field, a cap and outer garment of a solid blaze orange color, with such articles of clothing displaying a minimum of 400 square inches of blaze orange material. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(ff)).~~
  - 17) ~~The use of guns shall be subject to all State restrictions.~~
  - 18) ~~The use of guns shall be subject to municipal restrictions unless otherwise authorized in writing by an official of the municipality.~~
- d) ~~Taking of fauna on private properties by Class A and Class B permittees requires the landowner's or tenant's written permission. Class B not for profit permittees are restricted to taking nuisance fauna only on the lands owned by the not for-~~



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~~profit entity. Nothing in this Part allows the taking of wildlife on the property of another without permission from the landowner or tenant. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(t)).~~

- e) ~~Taking of fauna on State owned or managed lands requires written authorization from the Site Superintendent or District Wildlife Habitat Biologist. Violation is a Class B misdemeanor (see 520 ILCS 835/6).~~
- f) ~~Permittees shall describe to the persons seeking services the estimated cost and type of control methods to be used to relieve the nuisance problem and/or to alleviate damage to livestock, crops, or property.~~
- cg) The Nuisance Wildlife Control Permit must be carried on the person at all times when taking or transporting fauna and be presented, upon request, to any authorized employee of the Department or any peace officer. Violation is a petty offense (see 520 ILCS 5/2.37).
- d) It shall be unlawful for any person to represent himself or herself falsely to be an authorized employee of the Department, or to assume to act as such without having been duly appointed and employed. Violation is a petty offense (see Section 2.37 of the Code).
- e) A Class A Nuisance Wildlife Control Permittee is an industrial user as listed in the Hypodermic Syringes and Needles Act [720 ILCS 635].
- f) It is unlawful for any person to take any protected species during the firearm deer hunting season in those counties open to firearm deer hunting, unless he or she wears, when in the field, a cap and outer garment of a solid blaze orange color, with those articles of clothing displaying a minimum of 400 square inches of blaze orange material. Violation is a Class B misdemeanor (see Section 2.33(ff) of the Code).
- g) The taking of white-tailed deer, ~~endangered species, threatened species or other species protected by Federal regulations~~ is prohibited except for the salvage and disposal of dead white-tailed deer in accordance with ~~subsection (k) of this~~ Section 525.45.

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- h) The taking of bats is prohibited except as provided in Sections 525.55 and 525.75.
- i) The taking of game birds is prohibited except as provided in Section 525.60. All fur-bearing mammals [520 ILCS 5/1.2g] and game mammals [520 ILCS 5/1.2h] that are not endangered or threatened (17 Ill. Adm. Code 1010) and are taken under authority of this Part must be released alive or euthanized except that:
- 1) ~~striped skunks must be euthanized; and~~
  - 2) ~~raccoons must be euthanized or released on the same property and within 100 yards of where they were captured, or surrendered to a licensed veterinarian who is a licensed wildlife rehabilitator for euthanasia or treatment and release. Release may only be after an observation period of at least 45 days. During observation, raccoons may be housed at any properly licensed rehabilitator. Violation is a petty offense (see 520 ILCS 5/2.37).~~
- ~~All other Protected Species must be released alive or surrendered to a licensed rehabilitator. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33).~~
- j) The taking of migratory birds is prohibited except as provided in Sections 525.65 and 525.75. Methods of euthanizing animals must be approved by the Department and include such methods as:
- 1) ~~captive bolt, gunshot, drowning, and stunning (mechanical only);~~
  - 2) ~~inhalants, including halothane, isoflurane, carbon monoxide, and carbon dioxide; and~~
  - 3) ~~non-inhalants including Secobarbital/dibucaine.~~
- k) The taking of bald or golden eagles and species classified as endangered or threatened under the Illinois Endangered Species Protection Act is prohibited. All dead animals must be transferred to a licensed renderer or disposed of in accordance with the Illinois Dead Animal Disposal Act [225 ILCS 610]. Violation is a Class C misdemeanor (see 225 ILCS 610/19).

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- l) ~~Animals, animal parts and animal by-products taken under authority of this Part may not be sold, offered for sale, bartered or shipped for the purpose of sale or barter. Violation is a Class A misdemeanor (see 520 ILCS 5/2.36).~~
- m) ~~All animals released alive must be re-located into suitable habitat in the State of Illinois within 24 hours after capture. Except as provided for in subsection (i) of this Section, the release site must be located at least 10 but not more than 40 miles from the capture site unless the Department grants specific authority to release animals greater than 40 miles from the capture site and the animals are certified disease free as provided for in 17 Ill. Adm. Code 630. Animals captured by duly appointed representatives of municipalities shall be re-located into suitable habitat less than 10 miles from the capture site if this subsection would require the release of animals on lands outside their jurisdiction. Violation is a petty offense (see 520 ILCS 5/2.37).~~
- n) ~~Temporary holding facilities must meet U.S. Department of Agriculture standards for animal welfare as specified in "Specifications for the Humane Handling, Care, Treatment, and Transportation of Warmblooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates, and Marine Mammals" (subpart F, subchapter A, ch. 1, Title 9 CFR, 2004) (no later editions or amendments are included). Violation is a petty offense (see 520 ILCS 5/2.37).~~
- o) ~~Release of fauna onto public or private land requires written authorization from the site superintendent, tenant, or landowner. In the event that threatened or endangered species are involved, the release shall be directed by the Endangered and Threatened Species Conservation Program Coordinator, Division of Resource Stewardship and Protection, Department of Natural Resources, One Natural Resources Way, Springfield, Illinois 62702-1271. Violation is a petty offense (see 520 ILCS 5/2.37).~~
- p) ~~Permittees who rent, lend or otherwise transfer traps to clients, citizens, or other parties who are not under their direct supervision and have not obtained a Nuisance Wildlife Control Permit or a Nuisance Animal Removal Permit are responsible for any damages or violations of this Section that are perpetrated by the other party. Any animals taken by a second party must be reported by the permittee in accordance with subsection (q). Failure to comply with this Part shall result in permit suspension or revocation in accordance with Section 525.40.~~

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- q) ~~All permittees shall maintain records and submit an annual report to the Department showing the following information: total number of complaints received, number of complaints serviced, county of residence, name, address, and phone number of the permittee, number and kinds of animals relocated, name, address, and phone number of any site supervisor, tenant or landowner on whose property animals were released, locations where animals were released, and number and kinds of all animals euthanized. This report shall be made on or before January 20 and shall include all operations for the period from January 1 through December 31 of the previous year. All such reports and records required by this Section shall be available for inspection by any officer or authorized employee of the Department, any sheriff, deputy sheriff, or any other peace officer at any reasonable time when request is made for same. Failure to comply with the provisions of this Section shall bar the permittee from obtaining a Nuisance Wildlife Control Permit for the following year.~~
- r) ~~It shall be unlawful for any person to represent himself or herself falsely to be an authorized employee of the Department, or to assume to act as such without having been duly appointed and employed as such. Violation is a petty offense (see 520 ILCS 5/1.23).~~
- s) ~~A Class A Nuisance Wildlife Control Permittee is an industrial user as listed in the Hypodermic Syringes and Needles Act [720 ILCS 635].~~

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 525.35 Approved Methods of Take: Game Mammals, Furbearing Mammals and Other Mammals~~Migratory Birds~~**

- a) Approved Land Sets
- 1) Only the following devices may be used for land sets:
- A) box traps, cage traps, colony traps or traps of similar design;

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- B) enclosed foot-hold traps with a single access opening no larger than 3 square inches; examples of approved devices include, but are not limited to, EGG<sup>®</sup>, D-P<sup>®</sup> (Dog-Proof) and L'il Grizz<sup>®</sup> traps;
- C) cushion-hold; offset laminated and wide-jaw foot-hold traps that:
- i) are listed by the Association of Fish and Wildlife Agencies as Best Management Practices for Trapping Coyotes in the Eastern United States ([http://www.fishwildlife.org/files/EasternCoyote\\_BMP\\_2016.pdf](http://www.fishwildlife.org/files/EasternCoyote_BMP_2016.pdf)); and
- ii) have an inside jaw spread of 6½ inches (16.6 cm) or less;
- D) body-gripping traps powered by two springs and having an inside jaw spread of no larger than 49 square inches may be used if set inside a residence at least 4 inches from any outside surface of the structure or set outdoors at least 8 feet from the ground and enclosed in a tube, cylinder or open-ended box constructed of solid wood, metal or plastic so that the trigger of the trap is located at least 12 inches from any entrance to the enclosure in which it is set.
- 2) Violation is a Class B misdemeanor (see Section 2.33(a) of the Code).
- b) Approved Water Sets
- 1) Only the following devices may be used for water sets:
- A) body-gripping traps;
- B) cushion-hold traps;
- C) foot-hold traps;
- D) enclosed foot-hold traps with a single access opening no larger than 3 square inches; examples of approved devices include, but are not limited to, EGG<sup>®</sup>, D-P<sup>®</sup> (Dog-Proof) and L'il Grizz<sup>®</sup> traps;

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- E) Bailey beaver traps, Hancock beaver traps or traps of similar design;
  - F) colony traps, cage traps, box traps or traps of similar design;
  - G) snare traps that are not powered by springs or other mechanical devices (used for water sets only) if: at least one-half of the snare noose loop is located under water at all times; the noose loop diameter is not greater than 15 inches (38.1 cm); the snare is equipped with a mechanical lock, anchor swivel, and stop device to prevent the mechanical lock from closing the noose loop to a diameter of less than 2½ inches (6.4 cm); the cable diameter is not less than 5/64 inch (2.0 mm) but not greater than 1/8 inch (3.2 mm); and the snare is not constructed of stainless steel metal cable or wire;
- 2) Devices listed in subsection (b)(1) may be used for submersion sets.
  - 3) Violation is a Class B misdemeanor (see Section 2.33(a) of the Code).
- c) Use of traps is subject to the following restrictions:
- 1) It is unlawful to fail to visit and remove all animals from traps staked out, set, used, tended, placed or maintained at least once each calendar day. Violation is a Class B misdemeanor (see Section 2.33(a) of the Code).
    - A) Permittees who rent, lend or otherwise transfer traps to clients, citizens or other parties (i.e., the second parties) who are not under the direct supervision of the permittee and have not obtained a Nuisance Wildlife Control Permit or a Nuisance Animal Removal Permit are responsible for any damages or violations of this Section that are perpetrated by the second party. Any animals taken by a second party must be reported by the permittee in accordance with Section 525.70(f).
    - B) Remote trap checking systems may be used in lieu of physical visits when those systems:

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- i) are used in accordance with the manufacturer's specifications;
  - ii) have a control unit that reports trap status to a centralized application database at least once each calendar day;
  - iii) have notification alarms that report trap closures and/or system health issues within one hour after detection via email or text-based messaging systems; and
  - iv) have on-demand control unit testing capabilities for determining trap status, signal strength, and battery condition via remote system check-in.
- C) Permittees who use remote trap checking systems shall maintain records of trap status and notification alarms for a period of no less than 7 days after receipt of messages. Records shall be immediately available for inspection when a request is made by an officer or authorized employee of the Department. Failure to produce those records shall be prima facie evidence that traps were not checked each calendar day.
- 2) It is unlawful for any person to place, set, use or maintain any trap or snare that is not tagged, inscribed or otherwise identified with the permittee's name and address. Violation is a Class B misdemeanor (see Section 2.33(a) of the Code).
- 3) It is unlawful for any person to place, set, use or maintain a cushion-hold trap or foot-hold trap in water if that trap has an inside jaw spread larger than 7½ inches (19.1 cm), or a body-gripping trap having an inside jaw spread larger than 144 square inches. Violation is a Class B misdemeanor (see Section 2.33(a) of the Code).
- 4) It is unlawful to use any trap with saw-toothed, serrated, spiked or toothed jaws. Violation is a Class B misdemeanor (see Section 2.33(a) of the Code).

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- 5) It is unlawful for any person to place, set or maintain any foot-hold or cushion-hold trap within 30 feet (9.14 m) of bait placed in such a manner or position that it is not completely covered and concealed from sight, except that this shall not apply to water sets. Violation is a Class B misdemeanor (see Section 2.33(a) of the Code).
- 6) It is unlawful for any person to remove animals from, or to move or disturb in any manner, the traps owned by another person without written authorization of the owner to do so. Violation is a Class B misdemeanor (see Section 2.33(v) of the Code).
- d) Use of guns is subject to the following restrictions:
- 1) The use of guns shall be subject to all State restrictions.
- 2) The use of guns shall be subject to municipal restrictions unless otherwise authorized in writing by an official of the municipality.
- 3) It is unlawful for any person, except persons permitted by law, to have or carry any gun in or on any vehicle or conveyance operated on public roadways, unless that gun is unloaded and enclosed in a case. Violation is a Class B misdemeanor (see section 2.33(n) of the Code).
- 4) It is unlawful to fire a rifle, pistol, revolver, or air gun on, over or into any waters of this State, including frozen waters, except when performing euthanasia of game mammals or furbearing mammals that are restrained by traps. Violation is a Class B misdemeanor (see Section 2.33(q) of the Code).
- 5) It is unlawful to discharge any gun along, upon, across or from any public right-of-way or highway in this State. Violation is a Class B misdemeanor (see Section 2.33(r) of the Code).
- e) Commercially available gas cartridges that emit carbon monoxide or carbon dioxide as primary lethal agents may be used according to the manufacturer's specifications.



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- f) Drugs that are acquired and dispensed in accordance with the Illinois Controlled Substances Act [720 ILCS 570], U.S. Controlled Substances Act (21 USC 801 et seq.), Federal Food, Drug, and Cosmetic Act (21 USC 301 through 3998), Animal Medicinal Drug Clarification Act of 1994 (21 CFR 530) and U.S. Drug Enforcement Administration Regulations (21 CFR 1301 et seq.) may be used to take protected species.

(Source: Former Section 525.35 renumbered to Section 525.65 and new Section 525.35 added at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 525.40 Prohibited Methods of Take~~Revocation and Suspension of Permits—Hearings and Appeals~~**

- a) It is unlawful to use a restricted pesticide unless the applicator is licensed under the Structural Pest Control Act [225 ILCS 235]. Violation is a Class B misdemeanor.
- b) It is unlawful to use a deadfall, pit trap, spear, gig, hook, crossbow, poison, adhesive, chemical, explosive or any like device to take any protected species, except as allowed in Section 525.35(e) and (f). Violation is a Class B misdemeanor (see Section 2.33(a) of the Code).

(Source: Former Section 525.40 renumbered to Section 525.80 and new Section 525.40 added at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 525.45 Disposition of Animals**

- a) All furbearing mammals and game mammals taken under authority of this Part must be released alive or euthanized except that:
- 1) striped skunks must be euthanized; and
  - 2) raccoons must be euthanized or released on the same property and within 100 yards of where they are captured, or surrendered to a licensed veterinarian who is a licensed wildlife rehabilitator for euthanasia or treatment and release. Release may only be after an observation period of

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at least 45 days. During observation, raccoons may be housed at any properly licensed rehabilitator. Violation is a petty offense (see Section 2.37 of the Code).

- b) Bats may be permanently evicted in accordance with Section 525.55, released alive in accordance with Section 525.75, or transported to a local health department, animal control office, or veterinarian for submission to a laboratory if there is concern about human exposure to rabies. Violation is a Class B misdemeanor (see Section 2.33 of the Code).
- c) Migratory birds and other mammals must be released alive or surrendered to a licensed wildlife rehabilitator.
- d) Animals, animal parts and animal by-products taken under authority of this Part may not be sold, offered for sale, bartered or shipped for the purpose of sale or barter. Violation is a Class A misdemeanor (see Section 2.36 of the Code).
- e) All dead animals and eggs of migratory birds must be transferred to a licensed renderer, disposed of at a licensed solid waste facility, or disposed of in accordance with the Illinois Dead Animal Disposal Act [225 ILCS 610]. Violation is a Class C misdemeanor (see 225 ILCS 610/19).
- f) All animals released alive must be relocated into suitable habitat in the State of Illinois within 24 hours after capture. Except as provided for in Section 525.45(a)(2), the release site must be located at least 10 but not more than 40 miles from the capture site unless the Department grants specific authority to release animals greater than 40 miles from the capture site and the animals are certified disease-free as provided for in 17 Ill. Adm. Code 630; this provision does not apply to migratory birds, which may be released in suitable habitat more than 40 miles from the capture site. Animals captured by duly appointed representatives of municipalities may be relocated into suitable habitat less than 10 miles from the capture site if this subsection would require the release of animals on lands outside the municipality's jurisdiction. Violation is a petty offense (see Section 2.37 of the Code).
- g) Temporary holding facilities and methods of transporting live animals must meet U.S. Department of Agriculture standards for animal welfare as specified in

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"Specifications for the Humane Handling, Care, Treatment, and Transportation of Warmblooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates, and Marine Mammals" (9 CFR 3, Subpart F). Violation is a petty offense (see Section 2.37 of the Code).

- h) Release of fauna onto public or private land requires written authorization from the site superintendent, tenant or landowner. Violation is a petty offense (see Section 2.37 of the Code).

(Source: Added at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 525.50 Euthanasia**

- a) Methods of euthanasia must be approved by the Department and include such methods as:
- 1) captive bolt, gunshot and stunning (mechanical only);
  - 2) inhalants, including halothane, isoflurane, carbon monoxide and carbon dioxide; and
  - 3) noninhalants, including barbiturates and barbiturate derivatives that are acquired and dispensed in accordance with the Illinois Controlled Substances Act [720 ILCS 570], U.S. Controlled Substances Act (21 USC 801 et seq.), and U.S. Drug Enforcement Administration Regulations (21 CFR 1301 et seq.) may be used for euthanasia of mammals; acetone may be used for euthanasia of striped skunks.
- b) Animals captured under authority of this Part may be transferred to a euthanasia agency (see 510 ILCS 72/25), if the agency agrees to accept them.
- c) Violation is a Class B misdemeanor.

(Source: Added at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 525.55 Bats**

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- a) Bats may not be shot, trapped, transported or held in confinement except as allowed by Section 525.75.
- b) Exterior and interior exclusion may be performed at any time of the year.
- c) Permanent eviction of bats may be performed from:
  - 1) March 15 through May 15 when outdoor temperatures exceed 50 degrees F. at dusk;
  - 2) August 5 through October 30 when outdoor temperatures exceed 50 degrees F. at dusk and the permittee has made a reasonable attempt to determine young are capable of flight.
- d) Violation is a Class B misdemeanor.

(Source: Added at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 525.60 Game Birds**

Prior to taking game birds pursuant to a Class A Nuisance Wildlife Control Permit, the permittee must obtain prior written authorization from the Department. The Department may limit methods of take and disposition of game birds.

(Source: Added at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section ~~525.65~~525.35 Migratory Birds**

- a) ~~Any owner or tenant of lands, including operations, associations and governmental bodies, may, without a permit, scare away migratory birds, either game or non-game, as defined in Section 2.2 of the Wildlife Code [520 ILCS 5/2.2] when they are:~~
  - 1) ~~causing damage to property or wildlife;~~
  - 2) ~~creating a risk to human health or safety; or~~

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- 3) ~~concentrated in such numbers and manner as to constitute a health hazard or other nuisance, provided that:~~
- A) ~~the damage, risk, hazard or other nuisance must be identifiable to an employee of the Department; and~~
  - B) ~~scaring must be done in accordance with 50 CFR 21.41 (2004), except birds that have a nest with eggs and/or a nest with young may not be scared without proper authorization from the Department.~~
- a) Damage to property or wildlife, ~~risks or a risk~~ to human health or safety, and nuisances caused by migratory birds must be identifiable to an employee of the Department and include or health hazard or other nuisance includes, but are not limited to:
- 1) excessive fecal matter accumulations on property;
  - 2) damage to turf, ornamental plantings, agricultural crops, structures or, vehicles;
  - 3) risks to human safety, such as human conflicts with aggressive birds and vehicle collisions with birds;
  - 4) ~~risks a risk~~ to human health as identified or reasonably expected by a Department Wildlife Biologist or Conservation Police Officer in consultation with any public health official or medical doctor;
  - 5) excessive, bothersome noise in residential or commercial areas; and
  - 6) excessive damage to other species of wildlife, such as competition for nesting sites or territory or damage to vegetation necessary for the well being of other wildlife species.
- e) ~~Methods of scaring include, but are not limited to:~~

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- 1) ~~noise-making devices such as propane cannons, airhorns, distress calls, whistles, blank shells, cracker shells, or pyrotechnic devices such as bangers and screamers;~~
  - 2) ~~visual methods such as flash tape, balloons, flags, vehicles, fencing, radio-controlled vehicles, dogs or non-harmful light-emitting devices; and~~
  - 3) ~~chemical repellants that are registered for the non-lethal control of birds by the USEPA.~~
- d) ~~Any person may remove or destroy, by use of a shotgun, air gun or traps and only on or over the threatened area, any red-winged blackbirds, rusty blackbirds, Brewer's blackbirds, cowbirds, grackles and crows when found committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance, without a permit, so long as he or she has written permission from the landowner or tenant.~~
- e) ~~The destruction of nests and eggs of protected species of waterfowl, including wild ducks, geese and swans, shall be conducted only in accordance with the following requirements:~~
- 1) ~~Individuals desiring to destroy the nests and eggs of protected species of waterfowl, for a fee, must first answer correctly at least 80% of the questions on a written exam that tests their knowledge of methods of preventing, abating and controlling property damage and risks to human health or safety caused by protected species of waterfowl, topics specified by Section 525.20(d)(3)(B) and applicable federal regulations (50 CFR 21.41 (2004)). Individuals who pass the written exam and meet other requirements set forth in this Part shall be issued a certificate of authorization to destroy the nests and eggs of protected species of waterfowl.~~
  - 2) ~~Prior to destroying the nests and eggs of protected species of waterfowl, permittees must request and obtain appropriate authorization from the U.S. Fish and Wildlife Service and written approval from the Department for each site where control work will take place.~~

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- 3) ~~Methods of destroying waterfowl eggs shall be limited to addling, oiling, puncturing and freezing.~~
- bf) Except as provided in Section 525.75, theThe taking of ~~any~~ migratory birds ~~or other species~~ protected by federal regulations (50 CFR 10.13) requires ~~prior~~ authorization from the U.S. Fish and Wildlife Service and written approval from the Department for each site where the taking will occur.
- c) Class D and Class E permittees must comply with provisions of permits issued by the U.S. Fish and Wildlife Service and any additional restrictions imposed by the Department.
- d) Methods of destroying eggs of migratory birds are limited to addling, oiling, puncturing, and removal and disposal in accordance with Section 525.45(e).
- g) ~~This Section does not apply to eagles or endangered species. Unlawful searing or harassing of eagles or endangered species is a Class A misdemeanor. Unlawful taking of eagles or endangered species can be up to a Class 3 felony.~~

(Source: Section 525.65 renumbered from Section 525.35 and amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 525.70 Business Practices**

- a) It is unlawful for any person to wantonly or carelessly injure or destroy, in any manner whatsoever, any real or personal property on the land of another while engaged in activities permitted by this Section. Violation is a Class B misdemeanor (see Section 2.33(x) of the Code).
- b) Taking of fauna on private properties by Class A and Class D permittees requires the landowner's or tenant's written permission. Violation is a Class B misdemeanor (see Section 2.33(t) of the Code).
- c) Taking of fauna on State-owned, -leased, or -managed lands requires written authorization from the Site Superintendent or District Wildlife Biologist.

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- d) Permittees shall describe to the persons seeking services the estimated cost and types of methods to be used to alleviate damage to property, risks to human health or safety, and nuisances caused by protected species.
- e) Class A and D permittees shall issue a receipt to each client showing the permittee's name and address or name and address of the business he or she represents, the client's name and address, services provided, and fees charged for services.
- f) Class A, B and C permittees shall maintain accurate records of services provided to clients under authority of this Section and submit an annual report to the Department showing the following information: number of complaints serviced; name, address and phone number of the permittee; number and kinds of animals relocated, killed and surrendered to rehabilitators; name, address and phone number of any site supervisor, tenant or landowner on whose property animals were released; and locations where animals were released. This report shall be made on or before January 20 and shall include all operations for the period from January 1 through December 31 of the previous year.
- g) Class D and E permittees shall maintain accurate records of services provided to clients under authority of this Section and submit an annual report to the Department on forms provided by the Department showing the following information for each property where services were rendered: site name (if any); street address, city and county where services were rendered; name, address and phone number of the landowner, tenant or property manager where activities occurred; and the species and number of nests, eggs or migratory birds destroyed. Reports shall be made on or before September 1 of each year and include activities conducted from September 2 to August 31 of the most recent 12-month period.
- h) Reports and records required by this Section shall be available for inspection, upon request, by any officer or authorized employee of the Department, any sheriff or deputy sheriff, or any other peace officer at any reasonable time.

(Source: Added at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 525.75 Exceptions to Permit Requirements and Provisions**



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- a) Activities performed in accordance with this Section do not require authorization from the Department or issuance of any permit by the Department.
- 1) Any person may capture a bat alive when found in the living quarters of a structure and immediately release it outdoors.
  - 2) Any person may capture a bat alive when found in the living quarters of a structure and transport it to a local health department, animal control office, or veterinarian for submission to a laboratory if there is concern about human exposure to rabies. Examples of circumstances that warrant concern about exposure to rabies include:
    - A) a person confirms he or she was bitten or scratched by a bat;
    - B) a person confirms he or she had direct contact with a bat, such as handling it without gloves;
    - C) at any time, a bat was present while a person was asleep, unconscious or intoxicated;
    - D) at any time, a bat was present while a person unable to comprehend or communicate possible risk of exposure to rabies was alone.
  - 3) Any owner or tenant of lands, including operations, associations and governmental bodies, and agents acting on their behalf, may scare or herd away migratory birds that are not incubating eggs or raising dependent young when the migratory birds are causing damage to property, risks to human health or safety, or nuisances. Approved methods of scaring include, but are not limited to:
    - A) noise-making devices such as propane cannons, air horns, distress calls, whistles, blank shells, cracker shells, or pyrotechnic devices such as bangers and screamers used in accordance with federal regulations (27 CFR 555) and local ordinances;

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- B) visual methods such as flash tape, balloons, flags, vehicles, fencing, radio-controlled vehicles, dogs or nonharmful light-emitting devices; and
  - C) chemical repellants that are registered for the nonlethal control of birds by USEPA.
- 4) In accordance with federal regulations (50 CFR 21.43) and Section 525.35(d), any person who has written permission from the landlord or tenant may remove or destroy, by use of a shotgun, air gun or traps, and only on or over the threatened area, any red-winged blackbirds, Brewer's blackbirds, cowbirds, grackles and crows when they are causing serious injuries to agricultural crops, horticultural crops, livestock feed, or wildlife recognized by the Department or U.S. Fish and Wildlife Service as species that are endangered, threatened, candidates for listing, or of special concern, or when causing a health hazard or structural property damage.
  - 5) Subject to the Bald and Golden Eagle Protection Act (16 USC 668) and Section 3 of the Illinois Endangered Species Protection Act [520 ILCS 10], any landowner or tenant and his or her agents may destroy nests of birds that do not contain eggs or dependent young, provided that no possession occurs during destruction. This authority is limited to property owned or leased by the landowner or tenant.
  - 6) Any person may capture a migratory bird that is trapped inside a building or structure and immediately release it outdoors or, if the bird is injured, exhausted or ill, transfer it to a licensed wildlife rehabilitator in accordance with federal regulations (50 CFR 21.12).
  - 7) Any person may dispose of a dead migratory bird in accordance with Section 525.45(e).
- b) Drainage districts may control beavers in accordance with Section 2.37 of the Code.

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- c) Recipients of Nuisance Animal Removal Permits, Deer Removal Permits, and Deer Population Control Permits issued under Section 2.37 of the Code are exempt from this Part.

(Source: Added at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 525.80 Revocation and Suspension of Permits: Hearings and Appeals**

- a) In accordance with Sections 2.38 and Section 3.36 of the Wildlife Code [520 ILCS 5/3.36], failure to comply with the provisions of the Nuisance Wildlife Control Permit, Section 2.37 of the portions of the Wildlife Code of Illinois pertaining to Nuisance Wildlife Control Permits, federal regulations and this Part or providing false information to obtain a Nuisance Wildlife Control Permit shall result in suspension and revocation of the Nuisance Wildlife Control Permit. Suspension of the Nuisance Wildlife Control Permit shall be for a period of not less than one year.
- b) Applicants who photograph or otherwise reproduce the qualifying exam for a Class A or Class D Nuisance Wildlife Control Permit shall be barred from obtaining a permit for a period of 5 years.
- c) Failure to submit an annual report to the Department by the due date shall result in a suspension of up to 60 days pending submission of the report. Failure to submit an annual report to the Department within 61 days after the due date shall result in revocation of the permit and require reapplication, including scoring at least 80% on a written examination, for issuance of Class A and Class D permits.
- d) Upon receiving three or more complaints about services rendered by a permittee, the Department shall review allegations and shall immediately suspend the permit of that permittee/said person for a period not to exceed 60/90 days pending an investigation.
- e) The procedure by which suspensions and revocations are made, the rights of permittees to notice and hearing, and the procedures governing those such hearings are set forth in 17 Ill. Adm. Code 2530.

DEPARTMENT OF NATURAL RESOURCES

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(Source: Section 525.80 renumbered from Section 525.40 and amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF NATURAL RESOURCES

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**Section 525.EXHIBIT A Application for Nuisance Wildlife Control Permit**

Part 1. Personal Data

Name \_\_\_\_\_  
First Middle Initial Last

Date of Birth \_\_\_\_\_  
Month Day Year

Social Security Number \_\_\_\_\_

~~Representing the following company, organization or governmental body (if applicable):~~

Address \_\_\_\_\_  
Street  
\_\_\_\_\_  
City State Zip Code

Phone \_\_\_\_\_ - \_\_\_\_\_  
Area Code Number

~~Representing the following company, organization or governmental body (if applicable):~~ \_\_\_\_\_

Part 2. Type of permit applied for (check one):

- Class A (Commercial – Mammals and Game Birds)
- Class B\* (~~Zoos and Botanical Gardens or landowners and tenants applying for take of migratory birds on their property in accordance with a federal permit~~(~~Volunteer/Not For Profit Organizations\*~~)
- Class C (Governmental Bodies ~~Only~~ – Mammals and Game Birds Only)
- Class D (Commercial – Migratory Birds)
- Class E (Governmental Bodies – Migratory Birds)

\* ~~Zoos and botanical garden~~Not for Profit Organizations must attach a copy of their Internal Revenue Service tax-exempt status determination letter, professional accreditation, and a map or legal description of their

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properties where wildlife will be controlled; landowners and tenants desiring to take migratory birds on their property must attach a copy of their Federal permit.

Part 3. Work Area (Applicants for Class A and DB Permits only)

A list of permittees is distributed to District Wildlife Biologists and Conservation Police Officers so that they can refer complainants to permittees who service that area. Please list (in order of preference) up to four counties that you service. This list will be used strictly for referrals; your activities are not restricted to this area.

County 1 \_\_\_\_\_

County 2 \_\_\_\_\_

County 3 \_\_\_\_\_

County 4 \_\_\_\_\_

I certify that all information provided on this application is true and correct to the best of my knowledge.

\_\_\_\_\_  
Applicant's Signature

RETURN COMPLETED APPLICATIONS TO:

Illinois Department of Natural Resources  
Division of Wildlife ~~Resources~~ Program Development and Coordination  
One Natural Resources Way  
Springfield IL 62702-1271

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) 

<u>Section Number:</u>	<u>Proposed Action:</u>
130.311	Amendment
- 4) Statutory Authority: 35 ILCS 120/2-5(42) and 35 ILCS 120/2-10
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements a legislative change to the taxation of certain medical devices and certain feminine hygiene products, all of which were previously taxed at the general merchandise rate of 6.25%. PA 99-858 states that with respect to products classified as Class III medical devices by the United States Food and Drug Administration that are used for cancer treatment pursuant to a prescription, as well as any accessories and components related to those devices, the tax is imposed at the rate of 1%. This rulemaking also addresses a statutory change to the taxation of certain feminine hygiene products. Public Act 99-0855 provides that beginning January 1, 2017, tampons, menstrual pads and menstrual cups are exempt from the Retailers' Occupation Tax.
- 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? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
130.340	Amendment	40 Ill. Reg. 10083, July 29, 2016
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

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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 this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Cara Bishop  
Legal Services Office  
Illinois Department of Revenue  
101 West Jefferson  
Springfield IL 62794

217/782-2844

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small businesses that sell certain feminine hygiene products
  - B) Reporting, bookkeeping or other procedures required for compliance: Ordinary reporting and bookkeeping procedures
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2017

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



## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 130  
RETAILERS' OCCUPATION TAX

## SUBPART A: NATURE OF TAX

Section	
130.101	Character and Rate of Tax
130.105	Responsibility of Trustees, Receivers, Executors or Administrators
130.110	Occasional Sales
130.111	Sale of Used Motor Vehicles, Aircraft, or Watercraft by Leasing or Rental Business
130.115	Habitual Sales
130.120	Nontaxable Transactions

## SUBPART B: SALE AT RETAIL

Section	
130.201	The Test of a Sale at Retail
130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
130.215	Further Illustrations of Sales for Use or Consumption Versus Sales for Resale
130.220	Sales to Lessors of Tangible Personal Property
130.225	Drop Shipments

## SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	
130.305	Farm Machinery and Equipment
130.310	Food, Soft Drinks and Candy
130.311	Drugs, Medicines, Medical Appliances and Grooming and Hygiene Products
130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320	Gasohol, Majority Blended Ethanol, Biodiesel Blends, and 100% Biodiesel
130.321	Fuel Used by Air Common Carriers in Flights Engaged in Foreign Trade or Engaged in Trade Between the United States and any of its Possessions

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130.325	Graphic Arts Machinery and Equipment Exemption
130.330	Manufacturing Machinery and Equipment
130.331	Manufacturer's Purchase Credit
130.332	Automatic Vending Machines
130.335	Pollution Control Facilities and Low Sulfur Dioxide Emission Coal-Fueled Devices
130.340	Rolling Stock
130.341	Commercial Distribution Fee Sales Tax Exemption
130.345	Oil Field Exploration, Drilling and Production Equipment
130.350	Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
130.351	Aggregate Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment

## SUBPART D: GROSS RECEIPTS

Section	
130.401	Meaning of Gross Receipts
130.405	How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
130.410	Cost of Doing Business Not Deductible
130.415	Transportation and Delivery Charges
130.420	Finance or Interest Charges – Penalties – Discounts
130.425	Traded-In Property
130.430	Deposit or Prepayment on Purchase Price
130.435	State and Local Taxes Other Than Retailers' Occupation Tax
130.440	Penalties
130.445	Federal Taxes
130.450	Installation, Alteration and Special Service Charges
130.455	Motor Vehicle Leasing and Trade-In Allowances

## SUBPART E: RETURNS

Section	
130.501	Monthly Tax Returns – When Due – Contents
130.502	Quarterly Tax Returns
130.505	Returns and How to Prepare
130.510	Annual Tax Returns

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130.515	First Return
130.520	Final Returns When Business is Discontinued
130.525	Who May Sign Returns
130.530	Returns Covering More Than One Location Under Same Registration – Separate Returns for Separately Registered Locations
130.535	Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
130.540	Returns on a Transaction by Transaction Basis
130.545	Registrants Must File a Return for Every Return Period
130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.552	Alcoholic Liquor Reporting
130.555	Vending Machine Information Returns
130.560	Verification of Returns

## SUBPART F: INTERSTATE COMMERCE

Section	
130.601	Preliminary Comments (Repealed)
130.605	Sales of Property Originating in Illinois; Questions of Interstate Commerce
130.610	Sales of Property Originating in Other States (Repealed)

## SUBPART G: CERTIFICATE OF REGISTRATION

Section	
130.701	General Information on Obtaining a Certificate of Registration
130.705	Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710	Procedure When Security Must be Forfeited
130.715	Sub-Certificates of Registration
130.720	Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
130.725	Display
130.730	Replacement of Certificate
130.735	Certificate Not Transferable
130.740	Certificate Required For Mobile Vending Units
130.745	Revocation of Certificate

## SUBPART H: BOOKS AND RECORDS

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Section	
130.801	General Requirements
130.805	What Records Constitute Minimum Requirement
130.810	Records Required to Support Deductions
130.815	Preservation and Retention of Records
130.820	Preservation of Books During Pendency of Assessment Proceedings
130.825	Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

## SUBPART I: PENALTIES AND INTEREST

Section	
130.901	Civil Penalties
130.905	Interest
130.910	Criminal Penalties

## SUBPART J: BINDING OPINIONS

Section	
130.1001	When Opinions from the Department are Binding

## SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section	
130.1101	Definition of Federal Area
130.1105	When Deliveries on Federal Areas Are Taxable
130.1110	No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

## SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section	
130.1201	General Information
130.1205	Due Date that Falls on Saturday, Sunday or a Holiday

## SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

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## Section

- 130.1301 When Lessee of Premises Must File Return for Leased Department  
130.1305 When Lessor of Premises Should File Return for Business Operated on Leased Premises  
130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

## SUBPART N: SALES FOR RESALE

## Section

- 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale  
130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale  
130.1410 Requirements for Certificates of Resale (Repealed)  
130.1415 Resale Number – When Required and How Obtained  
130.1420 Blanket Certificate of Resale (Repealed)

## SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

## Section

- 130.1501 Claims for Credit – Limitations – Procedure  
130.1505 Disposition of Credit Memoranda by Holders Thereof  
130.1510 Refunds  
130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON  
SELLING OUT OR DISCONTINUING BUSINESS

## Section

- 130.1601 When Returns are Required After a Business is Discontinued  
130.1605 When Returns Are Not Required After Discontinuation of a Business  
130.1610 Cross Reference to Bulk Sales Regulation

## SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

## Section

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130.1701 Bulk Sales: Notices of Sales of Business Assets

## SUBPART R: POWER OF ATTORNEY

## Section

130.1801 When Powers of Attorney May be Given  
130.1805 Filing of Power of Attorney With Department  
130.1810 Filing of Papers by Agent Under Power of Attorney

## SUBPART S: SPECIFIC APPLICATIONS

## Section

130.1901 Addition Agents to Plating Baths  
130.1905 Agricultural Producers  
130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles  
130.1915 Auctioneers and Agents  
130.1920 Barbers and Beauty Shop Operators  
130.1925 Blacksmiths  
130.1930 Chiropodists, Osteopaths and Chiropractors  
130.1934 Community Water Supply  
130.1935 Computer Software  
130.1940 Construction Contractors and Real Estate Developers  
130.1945 Co-operative Associations  
130.1946 Tangible Personal Property Used Or Consumed in Graphic Arts Production within Enterprise Zones Located in a County of more than 4,000 Persons and less than 45,000 Persons  
130.1947 Tangible Personal Property Used or Consumed in the Process of Manufacturing and Assembly within Enterprise Zones or by High Impact Businesses  
130.1948 Tangible Personal Property Used or Consumed in the Operation of Pollution Control Facilities Located within Enterprises Zones  
130.1949 Sales of Building Materials Incorporated into the South Suburban Airport  
130.1950 Sales of Building Materials Incorporated into the Illiana Expressway  
130.1951 Sales of Building Materials Incorporated into Real Estate within Enterprise Zones  
130.1952 Sales of Building Materials to a High Impact Business  
130.1953 Sales of Building Materials to be Incorporated into a Redevelopment Project Area within an Intermodal Terminal Facility Area

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- 130.1954 Sales of Building Materials Incorporated into Real Estate within River Edge  
Redevelopment Zones
- 130.1955 Farm Chemicals
- 130.1956 Dentists
- 130.1960 Finance Companies and Other Lending Agencies – Installment Contracts – Bad  
Debts
- 130.1965 Florists and Nurserymen
- 130.1970 Hatcheries
- 130.1971 Sellers of Pets and the Like
- 130.1975 Operators of Games of Chance and Their Suppliers
- 130.1980 Optometrists and Opticians
- 130.1985 Pawnbrokers
- 130.1990 Peddlers, Hawkers and Itinerant Vendors
- 130.1995 Personalizing Tangible Personal Property
- 130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their  
Suppliers
- 130.2004 Sales to Nonprofit Arts or Cultural Organizations
- 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises  
Operated As Businesses, and Suppliers of Such Persons
- 130.2006 Sales by Teacher-Sponsored Student Organizations
- 130.2007 Exemption Identification Numbers
- 130.2008 Sales by Nonprofit Service Enterprises
- 130.2009 Personal Property Purchased Through Certain Fundraising Events for the Benefit  
of Certain Schools
- 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others
- 130.2011 Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals
- 130.2012 Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies
- 130.2013 Persons in the Business of Both Renting and Selling Tangible Personal Property –  
Tax Liabilities, Credit
- 130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property
- 130.2020 Physicians and Surgeons
- 130.2025 Picture-Framers
- 130.2030 Public Amusement Places
- 130.2035 Registered Pharmacists and Druggists
- 130.2040 Retailers of Clothing
- 130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea  
Markets and the Like

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130.2050	Sales and Gifts By Employers to Employees
130.2055	Sales by Governmental Bodies
130.2060	Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
130.2065	Sales of Automobiles for Use In Demonstration (Repealed)
130.2070	Sales of Containers, Wrapping and Packing Materials and Related Products
130.2075	Sales To Construction Contractors, Real Estate Developers and Speculative Builders
130.2076	Sales to Purchasers Performing Contracts with Governmental Bodies
130.2080	Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
130.2085	Sales to or by Banks, Savings and Loan Associations and Credit Unions
130.2090	Sales to Railroad Companies
130.2095	Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
130.2100	Sellers of Feeds and Breeding Livestock
130.2101	Sellers of Floor Coverings
130.2105	Sellers of Newspapers, Magazines, Books, Sheet Music and Musical Recordings, and Their Suppliers; Transfer of Data Downloaded Electronically
130.2110	Sellers of Seeds and Fertilizer
130.2115	Sellers of Machinery, Tools and Special Order Items
130.2120	Suppliers of Persons Engaged in Service Occupations and Professions
130.2125	Discount Coupons, Gift Situations, Trading Stamps, Automobile Rebates and Dealer Incentives
130.2130	Undertakers and Funeral Directors
130.2135	Vending Machines
130.2140	Vendors of Curtains, Slip Covers and Other Similar Items Made to Order
130.2145	Vendors of Meals
130.2150	Vendors of Memorial Stones and Monuments
130.2155	Tax Liability of Sign Vendors
130.2156	Vendors of Steam
130.2160	Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
130.2165	Veterinarians
130.2170	Warehousemen

## SUBPART T: DIRECT PAYMENT PROGRAM

Section	
130.2500	Direct Payment Program



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130.2505	Qualifying Transactions, Non-transferability of Permit
130.2510	Permit Holder's Payment of Tax
130.2515	Application for Permit
130.2520	Qualification Process and Requirements
130.2525	Application Review
130.2530	Recordkeeping Requirements
130.2535	Revocation and Withdrawal

130.ILLUSTRATION A	Examples of Tax Exemption Cards
130.ILLUSTRATION B	Example of Notice of Revocation of Certificate of Registration
130.ILLUSTRATION C	Food Flow Chart

**AUTHORITY:** Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

**SOURCE:** Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective

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November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196, effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003, for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg.

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17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; amended at 28 Ill. Reg. 9121, effective June 18, 2004; amended at 28 Ill. Reg. 11268, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 15193, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7004, effective April 26, 2005; amended at 31 Ill. Reg. 3574, effective February 16, 2007; amended at 31 Ill. Reg. 5621, effective March 23, 2007; amended at 31 Ill. Reg. 13004, effective August 21, 2007; amended at 31 Ill. Reg. 14091, effective September 21, 2007; amended at 32 Ill. Reg. 4226, effective March 6, 2008; emergency amendment at 32 Ill. Reg. 8785, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 10207, effective June 24, 2008; amended at 32 Ill. Reg. 17228, effective October 15, 2008; amended at 32 Ill. Reg. 17519, effective October 24, 2008; amended at 32 Ill. Reg. 19128, effective December 1, 2008; amended at 33 Ill. Reg. 1762, effective January 13, 2009; amended at 33 Ill. Reg. 2345, effective January 23, 2009; amended at 33 Ill. Reg. 3999, effective February 23, 2009; amended at 33 Ill. Reg. 15781, effective October 27, 2009; amended at 33 Ill. Reg. 16711, effective November 20, 2009; amended at 34 Ill. Reg. 9405, effective June 23, 2010; amended at 34 Ill. Reg. 12935, effective August 19, 2010; amended at 35 Ill. Reg. 2169, effective January 24, 2011; amended at 36 Ill. Reg. 6662, effective April 12, 2012; amended at 38 Ill. Reg. 12909, effective June 9, 2014; amended at 38 Ill. Reg. 17060, effective July 25, 2014; amended at 38 Ill. Reg. 17421, effective July 31, 2014; amended at 38 Ill. Reg. 17756, effective August 6, 2014; amended at 38 Ill. Reg. 19998, effective October 1, 2014; amended at 39 Ill. Reg. 1793, effective January 12, 2015; amended at 39 Ill. Reg. 12597, effective August 26, 2015; amended at 39 Ill. Reg. 14616, effective October 22, 2015; amended at 40 Ill. Reg. 6130, effective April 1, 2016; amended at 40 Ill. Reg. 13448, effective September 9, 2016; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART C: CERTAIN STATUTORY EXEMPTIONS

**Section 130.311 Drugs, Medicines, Medical Appliances and Grooming and Hygiene Products**

- a) General. With respect to prescription and nonprescription medicines, drugs, medical appliances, products classified as Class III medical devices by the United States Food and Drug Administration that are used for cancer treatment pursuant to a prescription, as well as any accessories and components related to those devices, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person and insulin, urine testing, materials, syringes and needles used

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~~*by diabetics, for human use, the tax is imposed at the rate of 1%. (Section 2-10 of the Act) Grooming and hygiene products do not qualify for the 1% rate, regardless of whether the products make medicinal claims. Grooming and hygiene products are taxed at the general merchandise rate of 6.25%. General. With respect to prescription and non-prescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person and insulin, urine testing utensils, syringes and needles used by diabetics, for human use, the tax is imposed at the rate of 1%. Grooming and hygiene products do not qualify for the 1% rate, regardless of whether the products make medicinal claims. Grooming and hygiene products are taxed at the general merchandise rate of 6.25%. Beginning January 1, 2014, "prescription and nonprescription medicines and drugs" includes medical cannabis and medical cannabis infused products sold by a registered dispensing organization under the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130] (Section 2-10 of the Act)[35 ILCS 120/2-10].*~~ Medical cannabis, including medical cannabis infused products, sold by registered dispensing organizations under the Compassionate Use of Medical Cannabis Pilot Program Act, is subject to Retailers' Occupation Tax at the 1% rate, plus applicable local taxes. Cannabis paraphernalia is subject to Retailers' Occupation Tax at the general merchandise rate of 6.25%.

AGENCY NOTE: Medical cannabis is subject to tax under both the Metro East Mass Transit District Retailers' Occupation Tax (as provided in 70 ILCS 3610/5.01) and the Regional Transportation Authority Retailers' Occupation Tax (taxed at the rate established for prescription and nonprescription medicines in Cook County and at the rate established for general merchandise in all other areas of the metropolitan region that are subject to the tax, as provided in 70 ILCS 3615/4.03).

- b) *Beginning January 1, 2017 through August 18, 2021, tampons, menstrual pads, and menstrual cups are exempt from the Retailers' Occupation Tax. (Section 2-5(42) of the Act) Menstrual pads (including pantliners) are exempt even when the label indicates that those products are to be used as both menstrual products and incontinence products. However, incontinence products that do not indicate on the label that they can also be used as menstrual products are not exempt.*

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- c) Medicines and Drugs. Except for grooming and hygiene products described in subsection (d)(e), a medicine or drug is any pill, powder, potion, salve or other preparation for human use that purports on the label to have medicinal qualities. Medicines prescribed by veterinarians for animals are subject to the high rate of tax. A written claim on the label that a product is intended to cure or treat disease, illness, injury or pain or to mitigate the symptoms of such disease, illness, injury or pain constitutes a medicinal claim.
- 1) Examples of medicinal claims that will qualify the product for the low rate of tax include, but are not limited to:
    - A) "medicated";
    - B) "heals (a medical condition)";
    - C) "cures (a medical condition)";
    - D) "for relief (of a medical condition)";
    - E) "fights infection";
    - F) "stops pain";
    - G) "relief from poison ivy or poison oak";
    - H) "relieves itching, cracking, burning";
    - I) "a soaking aid for sprains and bruises";
    - J) "relieves muscular aches and pains";
    - K) "cures athlete's foot";
    - L) "relieves skin irritation, chafing, heat rash and diaper rash";
    - M) "relief from the pain of sunburn";

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- N) "soothes pain".
- 2) The use of the terms "antiseptic", "antibacterial" or "kills germs" may or may not constitute a medicinal claim.
- A) The use of these terms in conjunction with a claim that the product kills germs in general does not constitute a medicinal claim.
  - B) However, a claim that a product is for use as an antiseptic to kill germs to prevent infection in cuts, scrapes, abrasions and burns does constitute a medicinal claim.
- 3) Examples of claims that do not constitute medicinal claims include, but are not limited to:
- A) "cools";
  - B) "absorbs wetness that can breed fungus";
  - C) "deodorant" or "destroys odors";
  - D) "moisturizes";
  - E) "freshens breath";
  - F) "antiperspirant";
  - G) "sunscreen";
  - H) "prevents";
  - I) "protects".

d)e Grooming and Hygiene Products. *Beginning September 1, 2009, "nonprescription medicines and drugs" does not include grooming and hygiene products. "Grooming and hygiene products" includes, but is not limited to, soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and*

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*sun tan lotions and ~~sunsun~~ screens, unless those products are available by prescription only, regardless of whether the products meet the definition of "over-the-counter drugs". "Over-the-counter drug" means a drug for human use that contains a label that identifies the product as a drug as required by 21 CFR 201.66. The "over-the-counter drug" label includes a "Drug Facts" panel or a statement of the "active ingredients" with a list of those ingredients contained in the compound, substance or preparation. (Section 2-10 of the Act)[35 ILCS 120/2-10]*

- 1) As a result, on or after September 1, 2009:
  - A) nonprescription medicines and drugs that are grooming and hygiene products do not qualify for the 1% rate of tax for medicines and drugs under subsection (b). Grooming and hygiene products do not qualify for the 1% rate, regardless of whether the products make medicinal claims or meet the definition of over-the-counter drugs. Grooming and hygiene products are taxed at the general merchandise rate of 6.25%.
  - B) products available only with a prescription are not "grooming and hygiene products".
- 2) Examples of products that are grooming and hygiene products include, but are not limited to:
  - A) all shampoos, hair conditioners and hair care products;
  - B) shaving creams or lotions;
  - C) deodorants;
  - D) moisturizers;
  - E) breath spray;
  - F) all condoms, with and without spermicide;

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- G) baby diapers and adult diapers, ~~pantliners and pads~~;
  - H) baby powder;
  - I) contact lens solutions;
  - J) hand sanitizers;
  - K) acne products;
  - L) skin creams, lotions, ointments and conditioners;
  - M) foot powders;
  - N) foot wear insoles that are intended to eliminate odor;
  - O) feminine hygiene products such as feminine wipes, washes, powders and douches, but, beginning January 1, 2017 through August 18, 2021, not tampons, menstrual pads, and menstrual cups; and
  - P) lip balms.
- 3) The following products are not grooming and hygiene products and may qualify for the 1% rate if they meet the requirements of subsection (b):
- A) hydrocortisone creams or ointments;
  - B) anti-itch creams or ointments;
  - C) vaginal creams or ointments;
  - D) nasal sprays;
  - E) eye drops;
  - F) topical pain relievers;



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- G) ice/heat creams;
  - H) rubbing alcohol;
  - I) denture creams or adhesives; and
  - J) styptic pencils.
- 4) Nonprescription medicines and drugs and products that are not grooming and hygiene products do not qualify for the 1% rate of tax unless they meet the requirements of subsection ~~(c)~~(b) of this Section.
- 5) Products that are taken orally and ingested, such as vitamins, supplements and weight gain or weight loss products, are not grooming and hygiene products.

~~e)~~ Medical Appliances: A medical appliance is an item that is used to directly substitute for a malfunctioning part of the human body.

- 1) For purposes of this Section, an item that becomes part of the human body by substituting for any part of the body that is lost or diminished because of congenital defects, trauma, infection, tumors or disease is considered a medical appliance. Examples of medical appliances that will qualify the product for the low rate of tax include, but are not limited to:
- A) breast implants that restore breasts after loss due to cancer;
  - B) heart pacemakers;
  - C) artificial limbs;
  - D) dental prosthetics;
  - E) crutches and orthopedic braces;
  - F) dialysis machines (including the dialyzer);

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- G) wheelchairs; and
  - H) mastectomy forms and bras.
- 2) Corrective medical appliances such as hearing aids, eyeglasses, contact lens and orthodontic braces qualify as medical appliances subject to the low rate of tax.
  - 3) Sterile band-aids, dressings, bandages and gauze qualify for the low rate because they serve as a substitute for skin.
  - 4) Items transferred incident to cosmetic procedures are not considered medical appliances. For purposes of this Section, a cosmetic procedure means any procedure performed on an individual that is directed at improving the individual's appearance and that does not prevent or treat illness or disease, promote the proper function of the body or substitute for any part of the body that is lost or diminished because of congenital defects, trauma, infection, tumors or disease. Cosmetic procedures include, but are not limited to, elective breast, pectoral or buttock augmentation.
  - 5) Diagnostic equipment shall not be deemed to be a medical appliance, except as provided in Section 130.311(g)(e). Other medical tools, devices and equipment such as x-ray machines, laboratory equipment and surgical instruments that may be used in the treatment of patients but that do not directly substitute for a malfunctioning part of the human body do not qualify as medical appliances. Sometimes a kit of items is sold where the purchaser will use the kit items to perform treatment upon himself or herself. The kit will contain paraphernalia and sometimes medicines. An example is a kit sold for the removal of ear wax. Because the paraphernalia hardware is for treatment, it generally does not qualify as a medical appliance. However, the Department will consider the selling price of the entire kit to be taxable at the reduced rate when the value of the medicines in the kit is more than half of the total selling price of the kit.

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- 6) Supplies, such as cotton swabs, disposable diapers, toilet paper, tissues and towelettes and cosmetics, such as lipsticks, perfume and hair tonics, do not qualify for the reduced rate.
  - 7) Medical appliances may be prescribed by licensed health care professionals for use by a patient, purchased by health care professionals for the use of patients or purchased directly by individuals. Purchases of medical appliances by lessors that will be leased to others for human use also qualify for the reduced rate of tax.
- f) Certain Medical Devices. Effective August 19, 2016, products classified as Class III medical devices by the United States Food and Drug Administration that are used for cancer treatment pursuant to a prescription, as well as any accessories and components related to those devices, qualify for the 1% rate of tax. (Section 2-10 of the Act)
- g)e) *Insulin, urine testing materials, syringes and needles used in treating diabetes in human beings qualify for the reduced rate of tax. (Section 2-10 of the Act)*
- h)f) **Modifications Made to a Motor Vehicle for the Purpose of Rendering It Usable by a Disabled Person**
- 1) Effective August 17, 1995, *modifications made to a motor vehicle, as defined in Section 1-146 of the Illinois Vehicle Code [625 ILCS 5/1-146], for the purpose of rendering it usable by a disabled person, qualify for the reduced rate of tax (Section 2-10 of the Act). The low rate applies to modifications that enable a disabled person to drive a vehicle or that assist in the transportation of disabled persons. Examples of such modifications include, but are not limited to, special steering, braking, shifting or acceleration equipment or equipment that modifies the vehicle for accessibility, such as a chair lift.*
  - 2) For purposes of this subsection (h)(f), the term "disabled person" has the same meaning as a "person with disabilities" in Section 1-159.1 of the Illinois Vehicle Code [625 ILCS 5/1-159.1].
- i)g) **Reporting**

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- 1) The retailer must keep an actual record of all sales and must report tax at the applicable rates, based on sales as reflected in the retailer's records. Books and records must be maintained in sufficient detail so that all receipts reported with respect to drugs, medicines and medical appliances can be supported.
- 2) Suppliers that sell items to health professionals must collect tax based on the actual use of the items. Health professionals that purchase items that may or may not qualify for the low rate, depending upon the ultimate use of the items by the health professionals, may provide their suppliers with certificates that identify the percentage of items being purchased that qualify for the low rate, e.g., that are purchased to be used to replace a malfunctioning part of the body. (For example, cosmetic versus reconstructive procedures.)
  - A) The certificate should contain the following information:
    - i) The seller's name and address;
    - ii) the purchaser's name and address;
    - iii) a description of the medical appliances being purchased;
    - iv) the percentage of the medical appliances being purchased that qualify for the low rate;
    - v) the purchaser's signature or the signature of an authorized employee or agent of the purchaser and date of signing; and
    - vi) if the purchaser is registered with the Department, the purchaser's Registration Number or Resale Number.
  - B) A supplier that obtains a certificate from a health professional that complies with subsection ~~(i)(g)~~(2)(A) will not be liable for additional Retailers' Occupation Tax in the event the actual percentage of items purchased by the health professional that

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qualify for the low rate is less than the percentage claimed in the certificate if it remitted Retailers' Occupation Tax to the Department based on the information contained in the certificate received from the health professional.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.Appendix A Table L                      Adopted Action: 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) Effective Date of Rule: March 6, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection. Copies of all Pay Plan amendments and collective bargaining contracts are available upon request from the Division of Technical Services.
- 9) Notice of Proposed published in the *Illinois Register*: 40 Ill. Reg. 15444; November 18, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Since First Notice, two non-substantive changes have been made. In Section 310.Appendix A Table L and its rate table, "Hired on" is replaced with "On" because the column heading is already "Hired". Also, an intervening peremptory amendment was filed so that "; peremptory amendment at 41 Ill. Reg. 2078, effective February 2, 2017" is added to the main source notes.
- 12) Has the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.

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13) Will this rulemaking replace an emergency rule currently in effect? No

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

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
310.47	Amendment	41 Ill. Reg. 213; January 13, 2017
310.260	Amendment	41 Ill. Reg. 213; January 13, 2017
310.410	Amendment	41 Ill. Reg. 213; January 13, 2017
310.Appendix A Table I	Amendment	41 Ill. Reg. 213; January 13, 2017

15) Summary and Purpose of Rulemaking: In Section 310.Appendix A Table L, the combined title and rate table is replaced and the Notes after the table are given labels. The combined title and rate table changes are based on: the need for alternative (Q) and maximum security (S) rates for employees hired prior to December 1, 2013 in each region; the need for the rates for employees hired on or after December 1, 2013 in each region; the new process for the certification of rate changes in each region; the establishment of, the Memorandum of Understanding (MOU) for, and the certification of the bargaining unit representative for the Boiler Safety Audit Specialist title; and the clarity of effective dates. To capture all bases for the changes and to ensure agencies accurately apply the rates, the rates beginning with ones effective January 1, 2013 and ending with those currently in effect are included in the combined title and rate table.

The combined title and rate table changes reflect three agreements. The first agreement is the Agreement between CMS and the International Brotherhood of Boiler Makers - Iron Shipbuilders, Blacksmiths, Forgers, and Helpers was signed March 12, 2014 and effective July 1, 2012 through June 30, 2015. The agreement states that the Illinois Department of Labor shall notify CMS of the certified prevailing rate. The agreement states that, effective January 1, 2006, the Boiler Safety Specialist title shall be paid an additional 4% above the prevailing rate for the employees on the standard pension formula or an additional 5.5% above the prevailing rate established for the employees on the alternative pension formula. The agreement states that effective December 1, 2013, newly hired employees shall be paid the appropriate prevailing rate, which means paid without the additional 4% above the prevailing rate for the employees on the standard pension formula or the additional 5.5% above the prevailing rate for the employees on the alternative pension formula. The agreement states that, while in positions in maximum security institutions, the employee who has seven or more years of continuous service

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with the Department of Corrections receives a \$50.00 adjustment a month that is applied as an additional \$0.29 per hour.

The second agreement is the Agreement between the Department of Central Management Services of the State of Illinois and the International Brotherhood of Boilermakers - Iron Shipbuilders, Blacksmiths, Forgers, and Helpers effective July 1, 2015 through June 30, 2019 with an unknown signing date. The agreement contained the first agreement's above provisions except that the rate certification process changed, no longer involving the Department of Labor.

The third agreement is the MOU between the State of Illinois and the International Brotherhood of Boilermakers - Iron Shipbuilders, Blacksmiths, Forgers, and Helpers signed June 22, 2016. The agreement establishes each rate for the Boiler Safety Audit Specialist title at 4.5% above that of the corresponding rate for the Boiler Safety Specialist title. Corresponding refers to the rate's region, Pay Plan Code and when the employee was hired. The rates for the Boiler Safety Audit Specialist are effective July 25, 2016, which is the date the Certification of Unit Clarification (Case No. S-UC-(S)-16-059) was issued by the Illinois Labor Relations Board (ILRB) to include the Boiler Safety Audit Specialist title in the RC-008 bargaining unit. The Boiler Safety Audit Specialist title was established April 1, 2016 as approved by the Civil Service Commission.

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

Mr. Jason Doggett  
Manager  
Compensation Section  
Division of Technical Services  
Bureau of Personnel  
Department of Central Management Services  
503 William G. Stratton Building  
Springfield IL 62706

217/524-1055  
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CMS.PayPlan@Illinois.gov



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The full text of the Adopted Amendment 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 SERVICESPART 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
310.50	Definitions
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
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)
310.240	Daily or Hourly Rate Conversion

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310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
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
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalent
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
310.560	Merit Incentive Program
310.570	Gain Sharing Program

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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)
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)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)

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310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
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 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, Educator Trainees, 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)
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 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)

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	(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)
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

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## Divided

- 310.APPENDIX D Merit Compensation System Salary Schedule
- 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

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; peremptory 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; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory 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; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648,

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effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory 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; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory 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; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory 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; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory 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; peremptory 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; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory 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; peremptory 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; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory 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. 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; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990;



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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. 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.

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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;

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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, 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.

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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 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;

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peremptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; peremptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; peremptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; peremptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; peremptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; peremptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; peremptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; peremptory 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; peremptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; peremptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; peremptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; peremptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; peremptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; peremptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; peremptory 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; peremptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; peremptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; peremptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; peremptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; peremptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; peremptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; peremptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; peremptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; peremptory 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; peremptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; peremptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; peremptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; peremptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; peremptory 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; peremptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; peremptory 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; peremptory 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; peremptory 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;

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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 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,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

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 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.



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

**Section 310.APPENDIX A Negotiated Rates of Pay****Section 310.TABLE L RC-008 (Boilermakers)**

<u>Title</u>	<u>Title Code</u>	<u>Region</u>	<u>Pay Plan Code</u>	<u>Hired</u>	<u>Effective Date</u>	<u>Monthly Salary</u>
<u>Boiler Safety Audit Specialist</u>	<u>04900</u>	<u>Northern</u>	<u>B</u>	<u>Prior to December 1, 2013</u>	<u>July 25, 2016</u>	<u>9020.16</u>
<u>Boiler Safety Audit Specialist</u>	<u>04900</u>	<u>Northern</u>	<u>Q</u>	<u>Prior to December 1, 2013</u>	<u>July 25, 2016</u>	<u>9150.66</u>
<u>Boiler Safety Audit Specialist</u>	<u>04900</u>	<u>Northern</u>	<u>S</u>	<u>Prior to December 1, 2013</u>	<u>July 25, 2016</u>	<u>9201.12</u>
<u>Boiler Safety Audit Specialist</u>	<u>04900</u>	<u>Northern</u>	<u>B</u>	<u>On or after December 1, 2013</u>	<u>July 25, 2016</u>	<u>8673.90</u>
<u>Boiler Safety Audit Specialist</u>	<u>04900</u>	<u>Central</u>	<u>B</u>	<u>Prior to December 1, 2013</u>	<u>July 25, 2016</u>	<u>7379.34</u>
<u>Boiler Safety Audit Specialist</u>	<u>04900</u>	<u>Central</u>	<u>Q</u>	<u>Prior to December 1, 2013</u>	<u>July 25, 2016</u>	<u>7485.48</u>
<u>Boiler Safety Audit Specialist</u>	<u>04900</u>	<u>Central</u>	<u>S</u>	<u>Prior to December 1, 2013</u>	<u>July 25, 2016</u>	<u>7535.94</u>
<u>Boiler Safety Audit Specialist</u>	<u>04900</u>	<u>Central</u>	<u>B</u>	<u>On or after December 1, 2013</u>	<u>July 25, 2016</u>	<u>7095.72</u>
<u>Boiler Safety Audit Specialist</u>	<u>04900</u>	<u>Southern</u>	<u>B</u>	<u>Prior to December 1, 2013</u>	<u>July 25, 2016</u>	<u>6495.42</u>
<u>Boiler Safety Audit Specialist</u>	<u>04900</u>	<u>Southern</u>	<u>Q</u>	<u>Prior to December 1, 2013</u>	<u>July 25, 2016</u>	<u>6587.64</u>
<u>Boiler Safety Audit Specialist</u>	<u>04900</u>	<u>Southern</u>	<u>S</u>	<u>Prior to December 1, 2013</u>	<u>July 25, 2016</u>	<u>6638.10</u>
<u>Boiler Safety Audit Specialist</u>	<u>04900</u>	<u>Southern</u>	<u>B</u>	<u>On or after December 1, 2013</u>	<u>July 25, 2016</u>	<u>6244.86</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Northern</u>	<u>B</u>	<u>Prior to December 1, 2013</u>	<u>July 1, 2013 and January 1, 2014</u>	<u>8005.74</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Northern</u>	<u>Q</u>	<u>Prior to December 1, 2013</u>	<u>July 1, 2013 and January 1, 2014</u>	<u>8120.58</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Northern</u>	<u>S</u>	<u>Prior to December 1, 2013</u>	<u>July 1, 2013 and January 1, 2014</u>	<u>8171.04</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Northern</u>	<u>B</u>	<u>On or after December 1, 2013</u>	<u>December 1, 2013 and January 1, 2014</u>	<u>7697.76</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Northern</u>	<u>B</u>	<u>Prior to December 1, 2013</u>	<u>July 1, 2014</u>	<u>8261.52</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Northern</u>	<u>Q</u>	<u>Prior to December 1, 2013</u>	<u>July 1, 2014</u>	<u>8379.84</u>

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Northern</u>	<u>S</u>	<u>Prior to December 1, 2013</u>	<u>July 1, 2014</u>	<u>8430.30</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Northern</u>	<u>B</u>	<u>On or after December 1, 2013</u>	<u>July 1, 2014</u>	<u>7943.10</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Northern</u>	<u>B</u>	<u>Prior to December 1, 2013</u>	<u>July 1, 2015</u>	<u>8517.30</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Northern</u>	<u>Q</u>	<u>Prior to December 1, 2013</u>	<u>July 1, 2015</u>	<u>8640.84</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Northern</u>	<u>S</u>	<u>Prior to December 1, 2013</u>	<u>July 1, 2015</u>	<u>8691.30</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Northern</u>	<u>B</u>	<u>On or after December 1, 2013</u>	<u>July 1, 2015</u>	<u>8190.18</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Northern</u>	<u>B</u>	<u>Prior to December 1, 2013</u>	<u>June 30, 2016</u>	<u>8632.14</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Northern</u>	<u>Q</u>	<u>Prior to December 1, 2013</u>	<u>June 30, 2016</u>	<u>8755.68</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Northern</u>	<u>S</u>	<u>Prior to December 1, 2013</u>	<u>June 30, 2016</u>	<u>8806.14</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Northern</u>	<u>B</u>	<u>On or after December 1, 2013</u>	<u>June 30, 2016</u>	<u>8299.80</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Central</u>	<u>B</u>	<u>Prior to December 1, 2013</u>	<u>January 1, 2013</u>	<u>6514.56</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Central</u>	<u>Q</u>	<u>Prior to December 1, 2013</u>	<u>January 1, 2013</u>	<u>6608.52</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Central</u>	<u>S</u>	<u>Prior to December 1, 2013</u>	<u>January 1, 2013</u>	<u>6658.98</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Central</u>	<u>B</u>	<u>On or after December 1, 2013</u>	<u>December 1, 2013</u>	<u>6264.00</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Central</u>	<u>B</u>	<u>Prior to December 1, 2013</u>	<u>March 1, 2014</u>	<u>6650.28</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Central</u>	<u>Q</u>	<u>Prior to December 1, 2013</u>	<u>March 1, 2014</u>	<u>6745.98</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Central</u>	<u>S</u>	<u>Prior to December 1, 2013</u>	<u>March 1, 2014</u>	<u>6796.44</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Central</u>	<u>B</u>	<u>On or after December 1, 2013</u>	<u>March 1, 2014</u>	<u>6394.50</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Central</u>	<u>B</u>	<u>Prior to December 1, 2013</u>	<u>January 1, 2015</u>	<u>6876.48</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Central</u>	<u>Q</u>	<u>Prior to December 1, 2013</u>	<u>January 1, 2015</u>	<u>6975.66</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Central</u>	<u>S</u>	<u>Prior to December 1, 2013</u>	<u>January 1, 2015</u>	<u>7026.12</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Central</u>	<u>B</u>	<u>On or after December 1, 2013</u>	<u>January 1, 2015</u>	<u>6612.00</u>

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Central</u>	<u>B</u>	<u>Prior to December 1, 2013</u>	<u>January 1, 2016</u>	<u>7057.44</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Central</u>	<u>Q</u>	<u>Prior to December 1, 2013</u>	<u>January 1, 2016</u>	<u>7160.10</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Central</u>	<u>S</u>	<u>Prior to December 1, 2013</u>	<u>January 1, 2016</u>	<u>7210.56</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Central</u>	<u>B</u>	<u>On or after December 1, 2013</u>	<u>January 1, 2016</u>	<u>6786.00</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>B</u>	<u>Prior to December 1, 2013</u>	<u>January 1, 2013</u>	<u>5688.06</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>Q</u>	<u>Prior to December 1, 2013</u>	<u>January 1, 2013</u>	<u>5769.84</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>S</u>	<u>Prior to December 1, 2013</u>	<u>January 1, 2013</u>	<u>5820.30</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>B</u>	<u>On or after December 1, 2013</u>	<u>December 1, 2013</u>	<u>5468.82</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>B</u>	<u>Prior to December 1, 2013</u>	<u>January 1, 2014</u>	<u>5801.16</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>Q</u>	<u>Prior to December 1, 2013</u>	<u>January 1, 2014</u>	<u>5884.68</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>S</u>	<u>Prior to December 1, 2013</u>	<u>January 1, 2014</u>	<u>5935.14</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>B</u>	<u>On or after December 1, 2013</u>	<u>January 1, 2014</u>	<u>5578.44</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>B</u>	<u>Prior to December 1, 2013</u>	<u>January 1, 2015</u>	<u>6032.58</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>Q</u>	<u>Prior to December 1, 2013</u>	<u>January 1, 2015</u>	<u>6119.58</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>S</u>	<u>Prior to December 1, 2013</u>	<u>January 1, 2015</u>	<u>6170.04</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>B</u>	<u>On or after December 1, 2013</u>	<u>January 1, 2015</u>	<u>5801.16</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>B</u>	<u>Prior to December 1, 2013</u>	<u>January 1, 2016</u>	<u>6213.54</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>Q</u>	<u>Prior to December 1, 2013</u>	<u>January 1, 2016</u>	<u>6304.02</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>S</u>	<u>Prior to December 1, 2013</u>	<u>January 1, 2016</u>	<u>6354.48</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>B</u>	<u>On or after December 1, 2013</u>	<u>January 1, 2016</u>	<u>5975.16</u>

<u>Title</u>	<u>Title Code</u>	<u>Region</u>	<u>Hired</u>	<u>Effective Date</u>	<u>Monthly Salary</u>
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## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

Boiler Safety Specialist	04910	Northern		January 1, 2014	8005.74
Boiler Safety Specialist	04910	Central	<del>Prior to December 1, 2013</del>	January 1, 2015	6876.48
Boiler Safety Specialist	04910	Central	Hired on or after December 1, 2013	January 1, 2015	6612.00
Boiler Safety Specialist	04910	Southern	<del>Prior to December 1, 2013</del>	January 1, 2015	6032.58
Boiler Safety Specialist	04910	Southern	Hired on or after December 1, 2013	January 1, 2015	5801.16

NOTES: Regions – The counties in the regions are:

**Northern Region:** Boone, Cook, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, Will, and Winnebago Counties.

**Central Region:** Bureau, Carroll, Champaign, DeWitt, Ford, Fulton, Hancock, Henderson, Henry, Iroquois, JoDaviess, Knox, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McLean, Mercer, Ogle, Peoria, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, and Woodford Counties.

**Southern Region:** Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Piatt, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson Counties.

Additional Provisions – Section 310.210 shall apply to employees occupying positions in the Boiler Safety Specialist class that are represented by the RC-008 bargaining unit.

(Source: Amended at 41 Ill. Reg. 3191, effective March 6, 2017)

## ILLINOIS DEPARTMENT OF MILITARY AFFAIRS

## NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Illinois Manual for Courts-Martial and Nonjudicial Punishment
- 2) Code Citation: 95 Ill. Adm. Code 400
- 3) 

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
400.2000	New Section
400.2005	New Section
400.2010	New Section
400.2020	New Section
400.2030	New Section
400.2040	New Section
400.2050	New Section
400.APPENDIX A	New Section
- 4) Statutory Authority: 20 ILCS 1807/15
- 5) Effective Date of Rules: March 2, 2017
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: March 2, 2017
- 8) A copy of the adopted rules including any material incorporated by reference, is on file and is available for public inspection at the Illinois Department of Military Affairs, 1301 N. MacArthur Blvd., Springfield IL 62702.
- 9) Reason for Emergency: In order to provide for the ability to impose non-judicial punishment on a member of the Illinois National Guard should the need arise prior to the effective date of the proposed rules.
- 10) A complete Description of the Subjects and Issues Involved: Rules on how and when commanders may the impose punishment for infractions of military orders.
- 11) Are there any other rulemakings pending on this Part? No

ILLINOIS DEPARTMENT OF MILITARY AFFAIRS

NOTICE OF EMERGENCY RULES

- 12) Statement of Statewide Policy Objective: To provide a consistent set of rules by which to administer non-judicial punishment in the Illinois National Guard
- 13) Information and questions regarding these emergency rules shall be directed to:

COL Robert C. Roth / Lt Col David D. Gorman  
1301 N. MacArthur Blvd.  
Springfield IL 62702-2317

217/761-3366

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

ILLINOIS DEPARTMENT OF MILITARY AFFAIRS

NOTICE OF EMERGENCY RULES

TITLE 95: VETERANS AND MILITARY AFFAIRS  
CHAPTER II: DEPARTMENT OF MILITARY AFFAIRS

PART 400

ILLINOIS MANUAL FOR COURTS-MARTIAL AND NONJUDICIAL PUNISHMENT

SUBPART L: NONJUDICIAL PUNISHMENT

Section

400.2000 Definitions

EMERGENCY

400.2005 Nonjudicial Punishment

EMERGENCY

400.2010 Authority

EMERGENCY

400.2020 Procedure

EMERGENCY

400.2030 Punishment

EMERGENCY

400.2040 Suspension, Vacation, Mitigation, Remission and Set Aside of Punishment

EMERGENCY

400.2050 Records of Punishment

EMERGENCY

400.APPENDIX A Table of Maximum Punishments

EMERGENCY

AUTHORITY: Implementing and authorized by the Illinois Code of Military Justice [20 ILCS 1807].

SOURCE: Adopted by emergency rulemaking at 41 Ill. Reg. 3214, effective March 2, 2017, for a maximum of 150 days.

SUBPART L: NONJUDICIAL PUNISHMENT

**Section 400.2000 Definitions**

**EMERGENCY**

## ILLINOIS DEPARTMENT OF MILITARY AFFAIRS

## NOTICE OF EMERGENCY RULES

"AGR" means Active Guard Reserve.

"ANG" means the Illinois Air National Guard.

"Appropriate Nonpunitive Administrative Measures" means such actions as reprimands, administrative reduction in rank, administrative separation from SMF, etc.).

"ARNG" means the Illinois Army National Guard.

"Commander", as used in this Subpart, means a commissioned or warrant officer who, by virtue of his or her grade and assignment, exercises primary command authority over a military unit or organization recognized as a command. This term includes active duty and SMF commanders, whether in a Title 10 (U.S. Military) or Title 32 (National Guard) status, of installations or schools when a member's SMF commander is not also at the installation or school.

"Department" or "DMA" means the Illinois Department of Military Affairs.

"ETS" means expiration of term of service.

"Federal Uniform Code of Military Justice" or "UCMJ" means 10 USC 801 et seq.

"IDT" means inactive duty training.

"Illinois Code of Military Justice" or "Code" means 20 ILCS 1807.

"Imposing Commander" refers to the commander who actually imposes the NJP. The Adjutant General shall not act as an imposing commander, and he or she shall delegate NJP authority to an officer he or she deems appropriate. This delegation may be oral or in writing, and the delegation may specify a category of cases or only a particular case.

"Manual" means this Part, the Illinois Manual for Courts-Martial and Nonjudicial Punishment.



## ILLINOIS DEPARTMENT OF MILITARY AFFAIRS

## NOTICE OF EMERGENCY RULES

"Member" means a member of the State Military Force.

"Members of His or Her Command" refers to the assigned members of the unit or organization commanded, and to other members who are on temporary duty with, or otherwise attached to, the unit or organization. Attachment orders are not necessary if the commander exercises the usual responsibilities and attributes of command over the member.

"Minor Offense" means an offense made punishable by the military law of the United States, the laws of the State of Illinois, or the laws of the state in which the offense is committed (e.g., absence without leave (AWOL), disrespect).

"Next Superior Commander" refers to the next superior in the chain of command, or another authority designated by the Adjutant General as being next superior for NJP purposes.

"NGIL Forms" means the forms initiating and recording all nonjudicial punishment proceedings. Those forms can be seen on the websites at [www.il.ngb.army.mil](http://www.il.ngb.army.mil) or [www.goang.com/locations/illinois](http://www.goang.com/locations/illinois). The following are the NGIL Forms referenced in this Subpart:

"NGIL Form 60-R" means the form titled Record of Nonjudicial Punishment Proceedings. This form includes identifying information, the allegations, the record of the proceedings, and the outcome of the proceedings.

"NGIL Form 61-R" means the form titled Record of Supplementary Nonjudicial Punishment Action. This form is used when the outcome recorded on the NGIL Form 60-R is appealed and an appropriate authority suspends, mitigates, remits or sets aside a punishment.

"NGIL Form 62-R" means the form titled Record of Vacation of Suspended Nonjudicial Punishment.

"NGIL Form 63-R" means the form titled Request to Superior to Exercise Nonjudicial Punishment Authority. This form is used when a notifying

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commander who does not have certain punishment authorities pertaining to the SMF member through the NJP procedure requests that a superior commander who does exercise NJP authority reduce the rank.

"NGIL-HRO" means the Illinois National Guard Human Resources Office.

"NGIL-JA" means an Illinois National Guard Office of the Staff Judge Advocate.

"Nonjudicial Punishment" or "NJP" means disciplinary action without a judicial process (i.e., court-martial).

"Notifying Commander" refers to the commander who initiates NJP proceedings and completes item 1 of NGIL Form 60-R.

"Remission of Punishment" or "Remit Punishment" means to rescind punishment that has been imposed.

"SMF" means the State Military Forces subject to the Illinois Code of Military Justice.

**Section 400.2005 Nonjudicial Punishment  
EMERGENCY**

- a) General. This Subpart prescribes the requirements, policies, limitations and procedures for the imposition of nonjudicial punishment (NJP) pursuant to the Adjutant General's authority under Section 15 of the Code. When a situation arises that is not addressed by this Subpart, the Army or Air Force regulations concerning NJP should be consulted for guidance, as appropriate (e.g., Army Regulation (AR) 27-10, Air Force Instruction (AFI) 51-202).
- b) Use of Nonjudicial Punishment
  - 1) A commander should use nonpunitive disciplinary tools (e.g., counseling and reprimands) to the fullest extent to further the efficiency of the command before resorting to NJP. However, NJP may be used in all misconduct cases involving minor offenses for which the commander considers nonpunitive measures to be inadequate or inappropriate. Prompt

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action is essential for NJP to have the proper corrective effect. NJP may not be imposed for offenses committed more than 3 years before the date of initiation of NJP. When the use of NJP is appropriate, the procedures of this Subpart shall be used in lieu of the administrative reduction in rank procedures created by applicable personnel regulations (AR 600-8-19, NGR (AR) 600-200 or ANGI 36-2503, etc.).

- 2) **Restriction on Punishment after Exercise of Jurisdiction by Civilian Authorities.** An SMF member who has been tried in a civilian court may, but normally will not, be disciplined under this Subpart for the same acts over which the civilian court exercised jurisdiction. NJP action should not be used to discipline SMF members for civil court convictions because, in that instance, civil authorities have already disposed of criminal allegations and imposed criminal punishments. In cases of civil court convictions, the chain of command should normally consider appropriate administrative (i.e., nonpunitive) measures. Prior to imposition of NJP on SMF members for offenses that have been disposed of by civilian courts, commanders must obtain written approval of the Adjutant General or designee. Requests for that approval shall be staffed through command channels to:

Office of the Adjutant General  
ATTN: NGIL-JA  
1301 N. MacArthur Blvd.  
Springfield IL 62702-2317

- c) **Personal Exercise of Discretion**
  - 1) A commander shall personally exercise discretion in the NJP process by:
    - A) Evaluating the case to determine whether NJP proceedings should be initiated.
    - B) Determining whether the member committed the offenses for which NJP proceedings are initiated.
    - C) Determining the amount and nature of any punishment, if punishment is appropriate.

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- 2) No superior may direct any subordinate commander to impose NJP on any individual.
- 3) No superior may issue regulations or guidance that either directly or indirectly suggests to subordinate commanders that:
  - A) Certain categories of offenders or offenses should be disposed of by NJP (e.g., AWOL members shall be processed for NJP).
  - B) Predetermined kinds or amounts of punishment should be imposed for certain categories of offenders or offenses (e.g., AWOL NCOs shall be reduced one grade).
- d) **Double Punishment Prohibited**

Several minor offenses arising out of substantially the same transaction or misconduct, or other offenses that are known at the time of initiation, shall not be made the basis of separate NJP actions. When a punishment has been imposed under NJP, or NJP proceedings are terminated for a reason tantamount to a finding of not guilty, further punishment may not be imposed for the same misconduct. This does not, however, restrict the commander's right to initiate administrative discharge proceedings for an offense previously punished under NJP proceedings.
- e) **Cases Involving State or Federal Prosecution Interest**

If an offense is subject to both NJP proceedings and to criminal trial in a State or federal court, the commander shall consult NGIL-JA prior to initiation of NJP proceedings.
- f) **Standard of Proof**
  - 1) NJP determinations must be supported by substantial evidence. For NJP purposes, this means a measure or degree of proof that reasonably convinces the imposing commander of the SMF member's guilt, considering:

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- A) all available direct evidence, i.e., evidence based on actual knowledge or observation of witnesses; and
  - B) all available indirect evidence, i.e., facts or statements from which reasonable inferences, deductions and conclusions may be drawn to establish an unobserved fact, knowledge or state of mind.
- 2) When considering the evidence, no distinction shall be made between the relative value of direct and indirect evidence. In some cases, direct evidence may be more convincing than indirect evidence and, in other cases, indirect evidence may be more convincing than the statement of an eyewitness.

**Section 400.2010 Authority  
EMERGENCY**

- a) Who May Impose Nonjudicial Punishment
  - 1) Unless otherwise specified in this Subpart, or if authority to impose NJP has been limited or withheld by a superior commander (see subsection (a)(2)), any commander may impose NJP on members of his or her command for minor offenses.
  - 2) A commander at any level may withhold from any subordinate commander all or part of the NJP authority that he or she would otherwise have had under this Subpart, such as over certain categories of military personnel, offenses or individual cases. The withholding action may be oral, in writing, or incorporated in a permanent directive, but it must clearly set out the specific authority withheld.
  - 3) To impose NJP on officers, warrant officers, or enlisted personnel in grades E-8 or E-9, the commander must be in the rank of colonel or above and be assigned to at least a brigade/group/wing command position.
  - 4) If a commander is the victim of a crime in his or her personal capacity (e.g., victim of an assault or larceny), as opposed to his or her official capacity (e.g., violation of commander's order), that commander shall

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forward a report of the incident to the next superior commander for review and appropriate action.

- b) Persons on Whom Nonjudicial Punishment May Be Imposed  
NJP may be imposed on the following persons, regardless of whether the offense was committed inside or outside the State of Illinois:
- 1) Members of the SMF for offenses committed while in a military duty or training status pursuant to 32 USC.
  - 2) Members of the SMF for offenses committed while in a State Active Duty status pursuant to orders of the Governor.
  - 3) All other persons lawfully ordered to duty in or with the SMF for the time period stated in the order or other directive.

**Section 400.2020 Procedure  
EMERGENCY**

- a) General. The authority to impose NJP charges a commander with the responsibility of exercising his or her authority in an absolutely fair and judicious manner. The commander's action must be temperate, just and conducive to good order and discipline.
- b) Preliminary Inquiry. The commander of the alleged offender must ensure that the matter is promptly and adequately investigated. The preliminary investigation is usually informal and consists of interviews with witnesses and/or review of police/investigative reports, if available. The investigation should cover:
- 1) Whether an offense was committed;
  - 2) The nature and circumstances of the offense; and
  - 3) The age, maturity, experience and military record of the offender.
- c) Initiation of Proceedings and Referral to Superior. A commander who, after a preliminary inquiry, determines that NJP proceedings may be appropriate, should

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consult with his or her Staff Judge Advocate for advice and assistance. NJP action should be initiated at the lowest level of command commensurate with the needs of discipline. If a commander determines his or her authority under NJP is insufficient to impose a proper punishment, the matter may be referred to a superior commander for initiation of proceedings (e.g., the offense may warrant reduction but the immediate commander does not have reduction authority). In such a case, all relevant documents shall be forwarded through command channels to the appropriate commander using NGIL Form 63-R (Request to Superior to Exercise Nonjudicial Punishment Authority). The superior commander shall either initiate the NJP action or refer the matter for other appropriate action.

- d) Notification
  - 1) The appropriate commander shall complete item 1 of NGIL Form 60-R (Record of Nonjudicial Punishment Proceedings) as follows:
    - A) State the allegation following the guidance provided by DMA and consult the appropriate Staff Judge Advocate for assistance. However, an NJP action remains valid even if the specification fails to include all the elements of an offense, provided that the member is reasonably informed of the nature of the alleged misconduct.
    - B) Inform the SMF member of his or her rights with respect to the NJP proceeding.
    - C) State the name, rank and duty title of the next superior commander.
    - D) Contact the appropriate Staff Judge Advocate or NGIL-JA for assignment of a military counsel to assist the member. At a minimum, the military counsel's name, rank and business telephone number shall be listed on the form, but his or her home addresses or telephone numbers shall not be included.
    - E) State the date and time at which the member must report to you to make his or her elections and presentation, if applicable. In this

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regard, the member shall be given a reasonable period of time to consult with counsel, to prepare his or her case, and to decide what rights noted under subsection (e) he or she shall exercise. The length of the decision period shall be determined by the notifying commander after considering such factors as the complexity of the case and the availability of counsel and witnesses. An NJP action may be initiated and completed within an inactive duty training (IDT) weekend if:

- i) it is a non-complex case, i.e., an uncontested case;
  - ii) the notifying commander ensures availability of counsel and witnesses; and
  - iii) the member is provided sufficient duty time to prepare his or her defense.
- F) Sign in the commander's signature block. The signature of the commander is nondelegable.
- 2) The notifying commander shall personally notify the member of the initiation of NJP proceedings in accordance with DMA guidance. However, when circumstances prevent the commander from personally notifying and serving the NGIL Form 60-R on the member, or the notifying commander elects not to do so, the notifying commander may direct a subordinate who is senior in rank to the member to notify and serve the member. The commander or the subordinate, as appropriate, shall date and sign item 2 (proof of service) of the NGIL Form 60-R when the member is served. Regardless of who serves the member, a copy of the NGIL Form 60-R shall be given to the member at that time. If personal notification is impractical because of the member's unauthorized absence or other reason, the member may be notified by certified mail, and the commander shall document the reason for the service by mail in item 11 of the NGIL Form 60-R. The member also has the right to examine all statements and evidence upon which the commander intends to rely in arriving at a decision whether to impose punishment, and the type and amount of punishment to be imposed, unless those matters are privileged



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or restricted by law or regulation (e.g., Office of Special Investigation (OSI) or Criminal Investigation Command (CID) reports, classified information, etc.). In this case, NJP proceedings may proceed if the member's counsel has access to the records, or a summary of the information, for use in preparing a defense to the allegations.

- 3) The SMF member shall be informed of the maximum punishment that may be imposed under Appendix A if he or she is found guilty of the alleged offenses; however, the member is not entitled to be informed of the type or amount of punishment he or she will receive if NJP ultimately is imposed.
  - 4) If a new commander takes command after NJP proceedings are initiated, but before the member presents his or her case to the imposing commander, a new NGIL Form 60-R shall be initiated by the new commander. Once again, the member shall be given a reasonable decision period in which to consult counsel.
  - 5) When evidence of an additional offense or offenses arises following initiation of NJP proceedings, and before the member is notified of the punishment, a commander may:
    - A) Withdraw the initial NGIL Form 60-R and reinitiate NJP proceedings to include the additional offenses; or
    - B) Proceed with the initial NJP proceeding and create a second NGIL Form 60-R for the additional offenses.
- e) Member's Election of Rights
- 1) The member has the following rights during NJP proceedings:
    - A) To remain silent and not make any statement concerning the allegations. However, if the member waives this right, any statements made may be used against him in the NJP proceedings or in any other proceedings.

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- B) To consult with appointed military counsel. The member is not entitled to request military counsel of his or her choice, but the member may consult with civilian counsel retained at the member's own expense.
  - C) To make a personal presentation before the next superior commander in lieu of presenting his or her case before the notifying commander. To fully present his or her case before the imposing commander in writing or in person, or both (subject to subsection (f)). This includes the right to call witnesses if determined reasonably available by the imposing commander, the right to present evidence, to be represented by a spokesperson (if reasonably available), and to examine available evidence.
- 2) The member has the right to consult with appointed military counsel (in person or by telephone) prior to making his or her elections under subsection (e)(1)(C). If necessary, the member or his or her counsel may request an extension of the time period stated in item 1 of the NGIL Form 60-R. Such a request should be in writing, stating the reasons for the request. The commander may grant an extension for good cause shown by the member or his or her counsel.
  - 3) A member requesting a personal presentation before the notifying commander shall indicate that request in item 3 of the NGIL Form 60-R. The presentation shall be made at that time or at such time as the commander directs.
  - 4) If the member requests a personal presentation before the next superior commander, the member shall so indicate in item 3 of the NGIL Form 60-R. The notifying commander shall forward all documents, statements and evidence to that commander. The next superior commander shall then review the information, collect any additional information he or she feels is necessary, and notify the member and his or her counsel of the date and time of the presentation.
  - 5) If the member does not notify the commander of his or her decision within the specified time and does not request a delay, or if the member refuses to

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complete or sign item 3 of the NGIL Form 60-R, the notifying commander may continue the proceedings based on available information. If punishment is imposed, that information shall be recorded in item 4 (commander's decision) of the NGIL Form 60-R, along with the following entry: "Advised of his/her rights and (member failed to respond within the specified time) (member refused to complete and sign item 3)".

## f) Member's Presentation

- 1) Following DMA guidance, the member shall be allowed to personally present matters in defense, extenuation or mitigation to the imposing commander, except when a personal appearance is prevented by unavailability of the commander or by extraordinary circumstances (e.g., the member is stationed at a geographic location remote from that of the imposing commander and cannot be readily brought before the commander). When a personal appearance is requested, but is not granted, the imposing commander shall appoint a commissioned officer who is superior to the member to conduct the presentation, and the member shall be entitled to make a personal presentation before that designated officer. The designated officer shall then prepare a memorandum summarizing the member's presentation and shall forward it to the imposing commander, along with all written matters submitted by the member.
- 2) The purpose of the personal presentation is to allow the member to present information to the commander in a manner that may be more effective or more persuasive than a written presentation. Formal rules of evidence are not applicable. The commander may consider any matter, including unsworn statements, that he or she believes to be relevant to the offense. The commander may ask questions to clarify facts or issues; however, the member's presentation is not an adversarial proceeding. The commander shall not present "government" witnesses or evidence, and neither the member nor a spokesperson (including any attorney present on behalf of the member) may examine or cross-examine witnesses, unless permitted by the imposing commander.
- 3) NJP presentations may be open or closed to members of the public at the discretion of the imposing commander. However, even when closed, the

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commander may have a member of his or her staff (e.g., the First Sergeant) attend the proceedings as he or she determines appropriate.

- 4) At the presentation, the member shall be entitled to:
  - A) Examine any relevant documents or physical objects on which the commander intends to rely in deciding whether to impose punishment or how much punishment to impose (subject to the limitations of subsection (d)(2)).
  - B) Be accompanied by a spokesperson provided or arranged for by the member. The member's spokesperson may be his or her appointed military counsel or civilian counsel retained at his or her own expense. However, the member has no right to legal counsel at the presentation, and the commander need not grant a delay for the appearance of any spokesperson if that person is not reasonably available, as determined by the commander.
  - C) Present relevant witnesses in defense, extenuation or mitigation who are reasonably available, as determined by the commander, and can be presented without legal process. To determine whether a witness is reasonably available, the imposing commander shall consider the fact that written statements are acceptable. Neither witness nor transportation fees are authorized to be paid. Reasonably available witnesses will normally include only personnel at the installation concerned, and those personnel whose attendance shall not unnecessarily delay the proceedings.
- 5) The imposing commander must carefully consider all matters submitted by the member in defense, extenuation or mitigation. If, after evaluation of all pertinent matters, the imposing commander determines that NJP is not warranted, the commander shall so indicate in item 4 of the NGIL Form 60-R, the member shall be notified, and the proceedings shall be terminated.
- 6) If, after evaluation of all pertinent matters, the imposing commander determines that NJP is warranted, the commander shall line out and initial

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the allegations, if any, that he or she determines the member did not commit. The commander shall then determine an appropriate punishment and complete item 4 of the NGIL Form 60-R, using the model punishment formats established by DMA. Whenever possible, the commander should impose NJP on the member in person. The commander may also counsel the member at this time concerning the misconduct. If appropriate, the commander shall refer the member to military or civilian agencies that can assist in resolving any personal problems that may have contributed to the misconduct. The commander shall then explain appellate rights and procedures to the member, following DMA guidance. The member shall complete item 5 (member's appeal decision) of the NGIL Form 60-R.

## g) Appeals of Nonjudicial Punishment

- 1) General. A member may appeal an NJP action if he or she considers the punishment to be unjust or disproportionate to the offense. The member may appeal either the findings, the punishment or both. The member shall appeal through the imposing commander to the next superior commander, or to such other authority designated by the Adjutant General for NJP purposes. If the appellate authority is the Adjutant General, he or she shall act on the appeal in the cases of officers, warrant officers or enlisted personnel in the grades of E-8 or E-9. In all other cases, he or she may delegate the power to act on the appeal to the Assistant Adjutant General (Army) or to the Assistant Adjutant General (Air). All matters to be considered on appeal must be submitted by the member in writing, the member has no right to an oral presentation on appeal, and only one appeal is permissible under NJP proceedings.
- 2) Procedure for Submitting an Appeal
  - A) At the time the punishment is announced to the member, he or she shall be informed of his or her right to appeal and shall be directed to state whether he or she is appealing the commander's action. The member shall indicate his or her appeal decision in item 5 (appeal decision) of the NGIL Form 60-R. If the member elects to appeal, the member may request 10 calendar days to submit any additional written matters in support of the appeal. The commander

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may grant an extension of the 10-day period for good cause shown by the member or his or her counsel. If written matters are not presented to the imposing commander within the prescribed time, the appeal shall be sent to the appellate authority for his or her decision with a statement to that effect.

- B) The member is not required to state the reasons for his or her appeal or to submit any written matters. However, if the member elects to submit written matters in support of the appeal, these matters must be presented initially to the imposing commander. They may not be presented directly to the appellate authority.
  - C) Punishments are not stayed pending final decision on an appeal unless no action is taken within 10 calendar days after the appeal was submitted. In that case, if the member requests, any unexecuted punishment involving restriction or extra duty shall be stayed until action is taken on the appeal.
  - D) If the member refuses to complete or sign item 5 of the NGIL Form 60-R, that refusal shall not be treated as an appeal. The commander shall process the NGIL Form 60-R as if the member declined to appeal and shall make the following entry in item 5: "Advised of punishment and appellate rights and member refused to (complete) (sign)."
- 3) Action by Imposing Commander. The imposing commander may take any action on the appeal that he or she deems appropriate, except that punishments may not be increased on appeal. The commander's action shall be indicated in item 6 (action on appeal) of the NGIL Form 60-R. The commander may suspend, mitigate, remit or set aside any part of the punishment. If the imposing commander grants the full relief requested by the member, the appeal is not forwarded to the appellate authority. In all other cases, the commander shall forward the appeal to the appellate authority, through the Staff Judge Advocate, along with all written materials considered in imposing the punishment. The commander may also forward appropriate comments addressing any matters raised by the

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member in his or her appeal, a statement of the commander's rationale for imposing the punishment, and a recommendation for action on the appeal.

- 4) Action by Staff Judge Advocate. The Staff Judge Advocate, or designee, shall advise the appellate authority as to the appropriateness of the punishment and whether the proceedings were conducted in accordance with the Illinois Code of Military Justice and this Subpart. The legal opinion may be either oral or written, and shall be documented in item 7 (review of appeal) of the NGIL Form 60-R.
- 5) Action by Appellate Authority. Action by the appellate authority shall be entered in item 8 of the NGIL Form 60-R. The appellate authority shall take action expeditiously, normally within 10 calendar days after the appeal was submitted. The appellate authority may conduct an independent inquiry into the case, if the appellate authority so desires, and the appellate authority may exercise the same powers with respect to the punishment as may be exercised by the imposing commander. After the appellate authority takes action, the member shall be promptly notified of the results and shall complete item 9 (member acknowledgment of appeal action) of the NGIL Form 60-R. However, if all punishment is disapproved, the entire action must be set aside and removed from the member's record. A final NJP action cannot consist of "no punishment".
  - h) Notification by Certified Mail
    - 1) All NJP proceedings shall be conducted in person with the member, whenever possible, to ensure the member understands the proceedings and has a full opportunity to exercise all rights granted under this Subpart. However, if the commander determines the member is not reasonably available to conduct any portion of the proceedings in person, the member may be notified by certified mail of the following matters:
      - A) Initiation of NJP proceedings, if the commander or his or her designee determines that personal notification is impractical, and the commander documents the reason for service by mail in item 11 of the NGIL Form 60-R.

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- B) Additional NJP matters, such as date and time of the personal presentation, the member's punishment, the member's right to appeal, and action taken on the appeal.
  - C) Supplementary NJP actions under Section 400.2040. However, vacation of suspension proceedings shall be initiated in person unless the commander or his or her designee determines that personal notification is impractical, and the commander documents the reason for service by mail in item 7 of the NGIL Form 62-R (Record of Vacation of Suspended Nonjudicial Punishment).
- 2) In all of the situations described in subsection (h)(1), the commander shall annotate the appropriate items on the NGIL Forms 60-R, 61-R (Record of Supplementary Nonjudicial Punishment Action) or 62-R showing notification by certified mail. The certified mail receipts shall be forwarded with the applicable form.

**Section 400.2030 Punishment  
EMERGENCY**

- a) General. Whether to impose punishment, and the amount and nature of the punishment, are the sole decisions of the imposing commander. However, the commander is encouraged to discuss appropriate punishments with his or her Staff Judge Advocate after the SMF member has had an opportunity to present matters in defense, mitigation or extenuation. Commanders are also encouraged to consult with their NCOs and other subordinates on the appropriate type, duration and limits of punishment to be imposed. Additionally, as NCOs are often in the best position to observe a member undergoing punishment, and to evaluate performance and attitude, their views on clemency should be given careful consideration.
- 1) When forfeiture of pay will be imposed, the commander should consider imposing a forfeiture below the maximum authorized. Maximum forfeitures should be reserved for serious cases or repeat offenders.



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- 2) Unsuspended reduction in grade should only be imposed in the same punishment with forfeiture of pay when the maximum exercise of nonjudicial punishment authority is warranted.
- b) Rules for Imposing Punishment. Unsuspended reduction in grade and forfeitures of pay are effective on the date of imposition, which is the date item 4 of the NGIL Form 60-R is signed by the imposing commander. All other unsuspended punishments take effect immediately upon notification to the member, unless otherwise stated by the commander in item 4. In this regard, the commander cannot choose a date earlier than the date he or she signed that item, but he or she may delay the punishment for legitimate reasons (e.g., the member is hospitalized or on authorized emergency leave). In those cases, the execution of the punishment should begin immediately after the cause of the delay has abated. Also, if a member to be punished is currently undergoing a punishment involving restriction or extra duties under a prior NJP action, the commander can prescribe an additional punishment of restriction or extra duties to begin after the completion of the earlier punishment. Maximum punishments are prescribed in Appendix A.
- 1) Restriction. Restriction may be imposed with or without suspension from duties, and the limits of the restriction shall be announced at the time punishment is imposed.
  - 2) Extra Duties. Extra duties may be required to be performed at any time and, within the duration of the punishment, for any length of time. However, when extra duties are performed during IDT periods, one day of extra duty shall be counted against each unit training assembly for that day. Extra duties may include the performance of fatigue duty or of any other military duty; however, no extra duty may be imposed that:
    - A) Constitutes cruel or unusual punishment, or a punishment not sanctioned by the customs of the service (e.g., using the offender as a personal servant);
    - B) Is a duty normally intended as an honor, such as assignment to a guard of honor;

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- C) Is required to be performed in a ridiculous or unnecessarily degrading manner (e.g., an order to clean a barracks floor with a toothbrush);
  - D) Constitutes a safety or health hazard to the offender; or
  - E) Would demean the member's grade or position.
- 3) Forfeiture of Pay. Forfeiture of one day's pay shall, in the case of IDT, constitute the pay for one unit training assembly (UTA; a paid IDT of no less than 4 hours). Forfeitures of pay may apply to pay accruing on or after the date punishment is imposed and to any pay accrued, but not yet paid, before that date.
- 4) Reduction in Grade
- A) Reduction Authority
    - i) Members in the grade of E-9 may be reduced by the Assistant Adjutant General for Army or Air, as appropriate, but that reduction shall be effective only upon the written approval of the Adjutant General.
    - ii) Members in the grades up to and including E-8 may be reduced by a commander in a Brigade or Wing command position, or higher.
    - iii) Members in the grades up to and including E-6 may be reduced by a commander in a Battalion or Squadron command position, or higher.
    - iv) Members in the grades up to and including E-4 may be reduced by a commander in a Company or Flight command position, or higher.
  - B) Date of Rank. When a member is reduced in grade as a result of an unsuspended reduction, his or her date of rank in the grade to

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which reduced is the date the punishment of reduction was imposed. If, however, the reduction is suspended either on or after the time the punishment was imposed, or is later set aside or mitigated to forfeiture, the date of rank in the grade held before the punishment was imposed remains unchanged. For example, if an E-5 has a date of rank of May 1, the member receives nonjudicial punishment on June 1 consisting of a reduction in rank, and the commander subsequently suspends, sets aside or mitigates the reduction on July 1, the date of rank for the restored grade is May 1.

- C) Entitlement to Pay. When a member is restored to a higher pay grade because of a suspension or because a reduction is mitigated to forfeiture, entitlement to pay at the higher grade is effective on the date of the suspension or mitigation, even though an earlier date of rank is assigned. If, however, a reduction is set aside and all rights, privileges and property are restored, the member concerned will be entitled to pay as though the reduction had never been imposed.
  - D) Void Reduction. Any portion of a reduction imposed under NJP beyond the imposing commander's authority to reduce is void and must be set aside; however, if a commander reduces a member below a grade to which the commander is authorized to reduce, and if the circumstances of the case indicate that the commander was authorized and intended to reduce the member at least one grade, a one-grade reduction may be approved.
- 5) Admonition and Reprimand. Admonitions or reprimands imposed on commissioned or warrant officers must be in writing. Admonitions or reprimands imposed on enlisted members may be administered orally or in writing. Written admonitions and reprimands imposed as a punishment may be included on the NGIL Form 60-R or may be written in memorandum format and listed as an attachment to the NGIL Form 60-R. Oral admonitions and reprimands shall be identified as such in item 4 of the NGIL Form 60-R.

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- c) Limitations on Punishments
- 1) Restriction. Restriction shall not be imposed on or served by members performing IDT. Restriction may be imposed and served only when the member is at an installation, camp or field-type duty away from home station, or under circumstances in which commuting home on a daily basis is not normally authorized.
  - 2) Combination. All authorized punishments may be imposed in a single case in the maximum amounts, except that, when restriction and extra duties are combined, the combination may not exceed the maximum imposable for extra duties.
- d) Announcement of Punishment. The results of NJP actions may be announced after punishment is imposed or, if appealed, after final decision on the appeal. The results of NJP proceedings may include a summary of the offense, rank of the offender, and the punishment imposed, but shall not include the offender's name or Social Security Number (SSN). The results may be announced orally at the next unit formation, may be posted on the unit bulletin board, or may be included in an appropriate newsletter or publication. The purpose of announcing punishments is to preclude the perception of unfairness of punishment and to deter similar misconduct by other members. However, an inconsistent or arbitrary policy regarding the announcement of punishments must be avoided, as that might result in the appearance of vindictiveness or favoritism.

**Section 400.2040 Suspension, Vacation, Mitigation, Remission and Set Aside of Punishment  
EMERGENCY**

- a) General. The imposing commander, his or her successor in command, or any superior commander may suspend, mitigate or remit punishment as a means of correcting behavior and rehabilitating the offender. If used correctly, these can be valuable tools in maintaining morale and discipline. This action can be taken on the commander's own initiative, or the SMF member can request the action. These commanders also have the authority to vacate suspended punishments or set aside punishments when appropriate.

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- 1) Successor in Command. For these purposes, the successor in command may be either:
    - A) The officer who has succeeded to the command or position occupied by the imposing commander, if that officer has authority to impose the punishment involved on the member, and providing the member is still assigned to that command; or
    - B) The officer authorized to impose the punishment on the member, if the member has been reassigned.
  - 2) Recording of Action. The imposing commander may suspend a punishment when completing item 4 of the NGIL Form 60-R. Any supplementary action involving suspension, mitigation, remission or set aside shall be recorded on NGIL Form 61-R. Any action involving vacation of a suspended punishment shall be recorded on NGIL Form 62-R.
  - 3) A commander can suspend, mitigate, remit or set aside punishment only if the commander had the authority to impose that punishment. For example, a company commander cannot suspend, mitigate, remit or set aside a reduction imposed on an E-7. A commander not empowered to act may, however, recommend that action to the next superior commander authorized to impose the punishment involved.
- b) Suspension. To suspend punishment is to postpone application of all or part of it for a specified probationary period, with the understanding that it will be automatically remitted at the end of that period if the offender does not engage in further misconduct. Suspension is often warranted for a first offender or when there are persuasive matters in extenuation or mitigation.
- 1) A commander may, at any time, suspend any part or amount of the imposed punishment that remains unexecuted. Furthermore, an executed punishment of reduction in grade or forfeiture of pay may be suspended, at any time, provided the suspension is accomplished within a period of 4 months after the date of imposition.

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- 2) Punishment may not be suspended for longer than 6 calendar months from the date of the suspension, or beyond an enlistment or the member's expiration of term of service (ETS). This 6-month limitation on suspensions may or may not be 180 days. For example, a punishment imposed on March 1 may be suspended until August 31, even though this period is 183 days. The suspension action shall set a specific date when, unless it is vacated sooner, the suspension shall terminate and the punishment shall be automatically remitted without further action.
  - 3) Suspension of a punishment automatically includes a condition that the member does not violate, for the period of the suspension, any punitive articles of the UCMJ, criminal laws of the State of Illinois, or this Subpart. Commanders may specify other conditions as well, but any such conditions must be reasonably related to the offense. The commander must consult with his or her Staff Judge Advocate before imposing conditions. Furthermore, any additional conditions of suspension must be clearly stated within the punishment endorsement, and they must be capable of being completed during the period of suspension.
- c) Vacation of Suspension. A commander may vacate any suspended punishment, provided the punishment is of a type and amount he or she could impose, if the commander determines that the member has committed an offense during the period of suspension or has failed to meet a condition upon which the suspension was based. Vacation proceedings shall be recorded on NGIL Form 62-R. The action must be initiated before the end of the suspension period.
- 1) The commander or his or her designee shall personally notify the member of the basis of the proposed vacation, date and sign item 2 of the NGIL Form 62-R when the member is served, and give the member an opportunity to rebut the information on which the proposed vacation is based. If personal notification is impractical because of the member's unauthorized absence or other reason, the member may be notified by certified mail, and the commander shall document the reason for that service in item 7 of the form. The member may consult with counsel prior to submitting a rebuttal. The member does not have to make any statement concerning the allegations, but does not have the same procedural rights granted under Section 400.2030. The member shall be given the

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opportunity to present rebuttal matters, in person and/or in writing as determined by the commander, and the commander shall consider any such matters presented. However, the commander shall schedule the proceedings at his or her discretion, and the member has no right to appeal the commander's decision.

- 2) A single offense may be the basis for both vacation action and a new NJP proceeding only when the new offense warrants substantial additional punishment. Also, in a suitable case, the original punishment may be continued in a suspended status and a separate NJP proceeding may be initiated for the new offense.
  - 3) If a reduction in grade is suspended and the suspension is later vacated, the reduction is effective on the date of vacation, but the member's date of rank in the grade to which reduced is the date the reduction was initially imposed. For example, if a member receives NJP on June 1 consisting of a suspended reduction in grade for 6 months, and the commander subsequently vacates the suspension on September 1, the effective date of the reduction is September 1, but the member's new date of rank is June 1.
- d) Mitigation. To mitigate punishment is to change it to a less severe punishment in quantity or type; however, the general nature of the punishment must remain the same. For example, restraints on liberty (i.e., restriction or extra duties) may not be mitigated to monetary punishments (i.e., forfeitures of pay), and a forfeiture of pay may be mitigated only to a lesser forfeiture of pay. Mitigation may be appropriate when the offender's subsequent good conduct merits a reduction in severity of the punishment, or when the punishment imposed was disproportionate to the offense or the offender.
- 1) With the exception of reduction in grade, the power to mitigate exists only with respect to a punishment or portion of the punishment that is unexecuted.
  - 2) A reduction in grade, whether or not executed, can be mitigated to a forfeiture of pay, but not to a lesser reduction or no reduction, provided the action is taken within 4 months after execution of the punishment.

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- 3) Extra duties can be mitigated to restriction, but restriction, being the least severe restraint on liberty, cannot be mitigated to a different form of punishment. Also, when a restraint on liberty is mitigated, the lesser punishment may not run for a period greater than the remainder of the period for which the punishment was initially imposed. For example, when a person is given 15 days of extra duties, 5 days of this punishment has been served, and the punishment is then mitigated to restriction, the mitigated punishment may not exceed restriction for a period of 10 days.
- e) Remission. To remit punishment is to excuse the offender from the unexecuted portion of the punishment, and remission may be appropriate under the same circumstances as for mitigation. In this regard, an unsuspended reduction is executed on imposition and cannot be remitted, but it may be suspended, mitigated or set aside if appropriate. In addition, the member's death, separation or discharge automatically remits any unexecuted punishment, and a member shall not be involuntarily held beyond his or her ETS to complete any unexecuted punishment.
- f) Set Aside. When a commander determines that a member who was punished, or is being punished, has suffered a "clear injustice", the commander may cancel the punishment and restore the member's rights, privileges or property accordingly.
  - 1) For these purposes, "clear injustice" means that there exists an unwaived legal or factual error that materially prejudices a substantial right of the member. For example, a clear injustice would exist when information later comes to the commander's attention that casts substantial doubt on the member's guilt or establishes persuasive extenuation for the commission of the offense.
  - 2) A punishment cannot be set aside merely because a member avoids future misconduct, or because the member's subsequent performance of duty has been exemplary, or because the punishment may have a future adverse impact on the retention or promotion potential of the member.
  - 3) Setting aside a punishment in its entirety restores the member to the position he or she was in before the punishment was imposed, as if the nonjudicial punishment action had never been initiated. For example, if an



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E-5 receives NJP on June 1 consisting of a reduction in grade, and the punishment is set aside on September 1, the date of rank and effective date for the restored grade reverts to that held before reduction, and the member shall be entitled to pay at the E-5 grade for the 3 months he or she was paid at the reduced grade.

- 4) Action to set aside punishment must be taken within 4 months after execution of the punishment, unless the commander determines unusual circumstances exist. In such a case, the commander must explain those circumstances in item 1b of the NGIL Form 61-R.

**Section 400.2050 Records of Punishment  
EMERGENCY**

- a) NGIL Form 60-R: Record of Nonjudicial Punishment Proceedings. All NJP actions, including notification, election of rights, imposition of punishment, appeal, Staff Judge Advocate review, and action on appeal, shall be recorded on NGIL Form 60-R. After the SMF member indicates in item 5 that he or she does not appeal, or after completion of item 9 if the member appeals, a copy of the completed NGIL Form 60-R shall be given to the member. The original of the NGIL Form 60-R, with all attachments and supporting documents (see subsection (f)), shall then be mailed to the Office of the Adjutant General, ATTN: NGIL-JA, at the address specified in Section 400.2005(b)(2). The Office shall review the form for legal sufficiency, then shall distribute the form as indicated in subsections (a)(1) through (5).
  - 1) For Army National Guard (ARNG) members, the original of the NGIL Form 60-R shall be filed in the member's Military Personnel Records Jacket (MPRJ). For Air National Guard (ANG) members, the original of NGIL Form 60-R shall be filed in the commander's Personnel Information File (PIF). These originals shall normally be destroyed by the custodian of the file at the end of 2 years from the date of imposition of punishment, unless:
    - A) the filing authority directs filing for either a shorter or longer period of time in accordance with applicable service regulations; or

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- B) the member has received an additional NJP in the interim. In the latter case, both NJP records shall be retained in the MPRJ or PIF and shall be destroyed at the end of 2 years from the latest date of imposition of punishment, or at the end of the time period determined by the commander in accordance with applicable service regulations.
- 2) One copy, with attachments and supporting documents, shall be filed with the NGIL-JA for one year from the date punishment was imposed, after which it shall be destroyed. NGIL-JA shall also forward a copy of the form to NGIL-HRO if the member is in an Active Guard Reserve (AGR) status.
  - 3) One copy, with attachments, shall be permanently filed in the member's vault file (ARNG) or State 201 file (ANG).
  - 4) If the punishment affects the member's pay (i.e., an unsuspended reduction in grade or forfeiture of pay), one copy of the NGIL Form 60-R shall be sent to the appropriate ARNG or ANG office that processes that member's military pay records.
  - 5) If the punishment includes an unsuspended reduction in grade, one copy of the NGIL Form 60-R shall be sent to the appropriate reduction authority to process the reduction orders.
- b) NGIL Form 61-R: Record of Supplementary Nonjudicial Punishment Action. All supplementary actions, except vacation of suspension, shall be recorded on NGIL Form 61-R. Supplementary action is any action taken by an appropriate authority to suspend, mitigate, remit or set aside a punishment after action has been taken on an appeal or the NGIL Form 60-R has been distributed according to subsection (a). After completion of item 1 on the NGIL Form 61-R, a copy of the completed form shall be given to the member. The original of the NGIL Form 61-R, with all attachments and supporting documents, shall then be mailed to the Office of the Adjutant General, ATT: NGIL-JA, at the address specified in Section 400.2005(b)(2). The Office shall review the form for legal sufficiency, then shall distribute the form as indicated in subsections (b)(1) through (5).

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- 1) The original of the NGIL Form 61-R shall be filed in the MPRJ for ARNG members or in the commander's PIF for ANG. The NGIL Form 61-R shall be destroyed at the same time as the NGIL Form 60-R that it supplements.
  - 2) One copy, with all attachments and supporting documents, shall be filed at NGIL-JA for one year from the date of the supplementary action, after which it shall be destroyed. NGIL-JA shall also forward a copy of the form to NGIL-HRO if the member is in an AGR status.
  - 3) One copy, with attachments, shall be permanently filed in the member's vault file (ARNG) or State 201 file (ANG).
  - 4) If the supplementary action affects the member's pay (e.g., set aside of a punishment), one copy of the NGIL Form 61-R and a copy of the initial NGIL Form 60-R shall be sent to the appropriate ARNG or ANG office that processes that member's military pay records.
  - 5) If the supplementary action affects the member's grade (e.g., restoration to a higher grade), then one copy of the NGIL Form 61-R and a copy of the initial NGIL Form 60-R shall be forwarded to the appropriate promotion authority to process the order.
- c) NGIL Form 62-R (Record of Vacation of Suspended Nonjudicial Punishment). Vacation of suspension proceedings shall be recorded on NGIL Form 62-R. After completion of item 4 on the NGIL Form 62-R, a copy of the completed form shall be given to the member. The original of the NGIL Form 62-R, with all attachments and supporting documents, shall then be mailed to the Office of the Adjutant General, ATTN: NGIL-JA, at the address specified in Section 400.2005(b)(2). The Office shall review the form for legal sufficiency, then shall distribute the form as indicated in subsections (c)(1) through (5).
- 1) The original of the NGIL Form 62-R shall be filed in the MPRJ for ARNG members or in the commander's PIF for ANG members. The NGIL Form 62-R shall be destroyed at the same time as the NGIL Form 60-R that it supplements.

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- 2) One copy, with all attachments and supporting documents, shall be filed at NGIL-JA for one year from the date of the supplementary action, after which it shall be destroyed. NGIL-JA shall also forward a copy of the form to NGIL-HRO if the member is in an AGR status.
  - 3) One copy, with attachments, shall be permanently filed in the member's vault file (ARNG) or State 201 file (ANG).
  - 4) If the vacation action affects the member's pay (e.g., vacation of a suspended reduction), then one copy of the NGIL Form 62-R and a copy of the initial NGIL Form 60-R shall be sent to the appropriate ARNG or ANG office that processes that member's military pay records.
  - 5) If the vacation action affects the member's grade, then one copy of the NGIL Form 62-R and a copy of the initial NGIL Form 60-R shall be forwarded to the appropriate reduction authority to process the order.
- d) **Set Aside Actions.** All copies of NGIL Forms 60-R and 61-R reflecting NJP actions that are later set aside in their entirety shall be destroyed, except for the permanent copies filed in the member's vault file (ARNG) or State 201 file (ANG).
- e) **Effect of Errors.** A NJP proceeding is not legally sufficient if it contains an error that materially prejudices a substantial right of the member. If such an error exists and cannot be remedied within the same proceeding, the appropriate NJP authority shall set aside the defective action. A new NJP action may be initiated for the same misconduct, but any punishment imposed as a result of the new proceeding may be no more severe than that originally imposed. If a material error exists and can be remedied within the same proceeding without prejudicing the member's rights, the commander shall notify the member of the error by endorsement to the form and thoroughly explain the correction to the record. The member shall sign an acknowledgement and may submit comments. The endorsement and acknowledgement shall become attachments to the form. Administrative or clerical errors, and minor errors that do not affect a substantial right of the member, do not require correction to make the proceedings legally sufficient. These errors may be corrected with pen-and-ink changes initialed by the commander and the member, as appropriate.

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## f) Contents of Record

- 1) The record of NJP consists of the NGIL Forms 60-R, 61-R and 62-R, as applicable, and any of their attachments. All attachments shall be annotated in item 11 of the NGIL Form 60-R or 62-R in item 7 and shall be sent to NGIL-JA with the record. Attachments include, at a minimum:
  - A) evidence (see Army Regulation 15-6 (Procedures for Investigating Officers and Boards of Officers)) and other written materials relied on by the imposing commander;
  - B) statements of offenses;
  - C) any memorandum of reprimand imposed as punishment;
  - D) change of commander notification;
  - E) endorsements correcting errors that required explanation; and
  - F) written materials considered as a basis for vacating a suspended punishment or submitted by the member in mitigation, extenuation, defense or on appeal.
- 2) Except for memoranda of reprimand imposed as punishment that shall be filed in the member's personnel file as part of the record, attachments shall be filed at NGIL-JA and shall not be filed in the member's personnel file.

## g) Use of Record

- 1) Records of NJP proceedings may be used as directed by the Adjutant General or as authorized by applicable regulations. Attachments transmitted with the originals or copies of NGIL Forms 60-R, 61-R and 62-R, or when filed with any of these forms, shall be considered to be maintained separately for the purpose of determining the admissibility of the originals or copies of those forms at administrative proceedings.

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- 2) A record of NJP, not otherwise inadmissible, may be admitted at administrative proceedings from any file in which it is properly maintained pursuant to this Subpart.

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**Section 400.APPENDIX A Table of Maximum Punishments  
EMERGENCY****Enlisted Personnel**

<b>Punishment</b>	<b>Imposed by Company or Flight Commander (cannot impose any punishment on E-8 or E-9)</b>	<b>Imposed by Battalion or Squadron/Group Commander (see Section 400.2010(a)(3) for E-8 or E-9)</b>	<b>Imposed by Brigade or Wing Commander or AAG</b>
Reduction E-1 to E-4 E-5 to E-6 E-7 to E-8 E-9	1 Grade No No No	2 Grades 1 Grade No No	2 Grades 1 Grade 1 Grade 1
Forfeiture	4 Days' Pay	6 Days' Pay <sup>2</sup>	6 Days' Pay <sup>2</sup>
Reprimand	Yes	Yes	Yes
Extra Duties	7 Days	14 Days <sup>3</sup>	14 Days <sup>3</sup>
Restriction	14 Days <sup>1</sup>	21 Days <sup>4 &amp; 5</sup>	21 Days <sup>4 &amp; 5</sup>

**NOTES:**

- <sup>1</sup> May recommend reduction as part of NJP, but reduction is not effective unless and until approved in writing by the Adjutant General.
- <sup>2</sup> May order forfeiture of 8 days' pay if acting as "next superior commander".
- <sup>3</sup> May impose 21 days extra duties if acting as "next superior commander".
- <sup>4</sup> Restriction cannot be imposed unless in a field environment or while performing duty away from home station.
- <sup>5</sup> May impose 28 days restriction if acting as "next superior commander".

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**Officers and Warrant Officers**

<b>Punishment</b>	<b>Imposed by Brigade, Group or Wing Commander</b>	<b>Imposed by General Officer</b>
Reduction	No	No
Forfeiture	4 Days' Pay	6 Days' Pay <sup>1</sup>
Reprimand	Yes	Yes
Extra Duties	No	No
Restriction	14 Days <sup>2</sup>	21 Days <sup>2 &amp; 3</sup>

**NOTES:**

- <sup>1</sup> May order forfeiture of 8 days' pay if acting as "next superior commander".
- <sup>2</sup> Restriction cannot be imposed unless in a field environment or while performing duty away from home station.
- <sup>3</sup> May impose 28 days restriction if acting as "next superior commander".



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received during the period of February 28, 2017 through March 6, 2017. The rulemakings are scheduled for review at the Committee's April 4, 2017 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
4/14/17	<u>Central Management Services</u> , Pay Plan (80 Ill. Adm. Code 310)	1/13/17 41 Ill. Reg. 213	4/4/17

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 41, Issue 11 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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