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Issue 28 - July 11, 2003: Data through June 30, 2003 (2nd Quarter)
Issue 41 - October 10, 2003: Data through September 29, 2003 (3rd Quarter)
Issue 2 - January 9, 2004: Data through December 29, 2003 (Annual)

If I may draw your attention to:

1 Ill. Adm. Code 100.130 Illinois Administrative Code Organization

b)4) When a Part is repealed, the Index Department will enter that Part into a Table of Repealed Parts that will be published along with other supplementary materials to the Code (indexes, etc.). For two years after the date of a Part's repeal, the headings and Main Source Note will be maintained at that Part's location within the body of the Code. After two years, the headings and Main Source Note will be removed from the body of the Code.

1 Ill. Adm. Code 100.500 Requirements for Filing

b) Rules to be placed on file shall be titled ILLINOIS ADMINISTRATIVE CODE preceded by the appropriate Chapter number followed by the General Act number, centered on a solid line exactly one inch from the top of the page. The acronym for the State agency shall appear at the far left on the header line. On the right hand side of the solid line shall be the appropriate Part or Section number. Each Section shall begin on a new page.
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. The Register will also contain the Cumulative Index and Sections Affected Indices will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are the end of March, June, Sept, Dec.

Rulemaking activity consist 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 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’

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

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NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Right-of-Way Precondemnation Negotiations by Telephone Companies

2) **Code Citation:** 83 Ill. Adm. Code 780

3) **Section Numbers:**
   - 780.5 Amendment
   - 780.10 Amendment
   - 780.20 Amendment
   - APPENDIX A Amendment
   - APPENDIX B Amendment

4) **Statutory Authority:** Implementing and authorized by Section 4 of the Telephone Company Act [220 ILCS 65/4]

5) **A Complete Description of the Subjects and Issues Involved:** In 1991, the Commission adopted 83 Ill. Adm. Code 780, "Right-of-Way Precondemnation Negotiations by Telephone Companies". These rules apply whenever any telephone company seeks to negotiate the acquisition of a land right-of-way easement pursuant to Section 4 of the Telephone Company Act [220 ILCS 65/4]. A review of Part 780 indicates that there is a need for updating statutory citations and addresses in the text of the rules and in the appendices to the Part.

6) **Will these proposed amendments replace emergency amendments currently in effect?** No

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

8) **Do these proposed amendments contain incorporations by reference?** No

9) **Are there any other proposed amendments pending on this Part?** No

10) **Statement of Statewide Policy Objectives:** These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.

11) **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 02-0773, with:

    Donna M. Caton
ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL  62701
217/782-7434

12) Initial Regulatory Flexibility Analysis:

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

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: Managerial skills

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

The full text of the Proposed Amendments begins on the next page:
PART 780
RIGHT-OF-WAY PRECONDEMNATION NEGOTIATIONS
BY TELEPHONE COMPANIES

Section 780.5  Applicability

a) This Part shall apply whenever any telephone company seeks to negotiate the acquisition of a land right-of-way easement pursuant to Section 4 of the Telephone Company Act "An Act relating to the powers, duties and property of telephone companies" [220 ILCS 66/4](Ill. Rev. Stat. 1989, ch. 134, par. 20) ("Act").


c) This Part shall be prospectively applied. This Part shall not affect the following:
   1) The validity of any existing certificate issued by the Illinois Commerce Commission ("Commission").
   2) The validity of any existing easement.

d) This Part shall not cause the revocation of any existing Commission certificate.

Section 780.10  Right-of-Way Precondemnation Requirements

a) When a telephone company, or its agent, initially contacts any landowner to negotiate the acquisition of a land right-of-way easement, either in person or in writing, the landowner shall be advised in writing that if the landowner has any question about his rights or the rules of the Commission pertaining to the authority of a telephone company to acquire right-of-way easements, inquiry can be directed to the Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62706. The telephone company shall provide the landowner with a copy of Appendix A.

b) Upon request of the landowner the telephone company shall provide the landowner with the information in Section 780.20(f)(1) and (2) and shall provide the landowner with a copy of Appendix B.

Section 780.20  Precondemnation of Land Right-of-Way Easements

a) This Section shall govern the actions of every person acting in behalf of a telephone company when it has been unsuccessful in negotiating a land right-of-way easement, and intends to initiate formal action before the Commission or courts.

b) At least 14 days prior to a telephone company filing a Petition for an Order under Section 8-503 of the Public Utilities Act [220 ILCS 5/8-503] or initiating formal action before a court, as may be applicable, the telephone company representative shall send to the landowner a letter by certified mail, return receipt requested, containing the information set forth below together with a copy of Appendix B.

c) The representative shall keep and maintain a record, for one year, of letters sent in compliance with this Section.

d) The letter sent by the representative shall be on that representative's letterhead or on the letterhead of the telephone company and shall set forth:
   1) The identity, address and telephone number of the telephone company representative;
   2) The identity of the telephone company attempting to acquire the land or land rights;
   3) The general purpose of the proposed project;
NOTICE OF PROPOSED AMENDMENTS

4) The type of facility to be constructed;
5) The general description of the land or land rights the telephone company seeks to acquire and the type of structures, if any, which the company seeks to build;
6) A statement that the company or its representative continues to seek to negotiate with the landowner to arrive at an agreement for such land or land rights; and
7) An invitation to the landowner to contact the telephone company representative to arrange a mutually agreeable time for an appointment to further discuss the matter.

e) Each telephone company representative shall carry with him/her and show to every landowner contacted an identification card showing the name and address of the contacting person and his/her employer. The contacting person shall leave his/her telephone number with the landowner.

f) At the time of the contact, the telephone company representative shall:
   1) Orally state the reason for the contact, i.e., general purpose of the proposed project, type of facilities to be constructed; and
   2) Provide written information and data surrounding the proposed project. This shall include, to the extent then known to the telephone company, a statement outlining briefly the purpose of the project, a map or sketches indicating types type(s) of facility, approximate location of facilities, compensation and basis for compensation and, if applicable, type of structures, and amount (length and width) of the land right-of-way deemed necessary. This information shall be left with the landowner for review, along with any agreement or contract proposed by the telephone company.

g) If the company and the landowner do not reach agreement within two weeks after of the mailing of the original letter, the company may then file a Petition for an Order under Section 8-503 of the Public Utilities Act, or may initiate formal action before a court.

(Source: Amended at 27 Ill. Reg. ______, effective ___________)
Section 780. APPENDIX A  Company Statement

Company Name ____________________________________________
Company Address __________________________________________
Company Contact Name ______________________________________
Company Telephone Number __________________________________

As a telephone company responsible for providing telephone service to this area, at times it becomes necessary to place new telephone facilities to serve new customers and improve service to existing customers.

We recognize your rights as a landowner and desire to negotiate with you for an easement to construct these necessary facilities.

Questions pertaining to your rights, as well as our rights to acquire right-of-way easements, may be directed to the Chief Telephone Engineer of the Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, IL 62701, telephone 217-785-8596.

Please do not hesitate to contact our representative for answers to questions pertaining to this project.

(Source: Amended at 27 Ill. Reg. _______, effective ___________)}
ILLINOIS COMMERCCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 780.APPENDIX B Statement of information from the Illinois Commerce Commission concerning acquisition of right-of-way by Illinois telephone companies.

The purpose of this Statement is to provide you with the general information concerning the procedures involved. This Statement covers several questions commonly asked of the Illinois Commerce Commission staff by landowners.

This Statement is not a legal opinion concerning your rights under the law or the rules of the Commission, nor is it a detailed analysis of the procedures involved. If you have any questions concerning your legal rights, you may wish to consult an attorney.

Telephone companies and telecommunications carriers are granted the right of eminent domain or condemnation by Illinois law. Eminent domain is simply the power of the State, or those delegated by the State, to take private property for public use upon payment of just compensation as determined by the courts.

Prior to attempting to acquire a right-of-way easement by applying to the courts to exercise the right of eminent domain or condemnation, a telephone company or telecommunications carrier shall attempt to secure the right-of-way easement through negotiations with the landowner.

Negotiation means discussion and bargaining between the landowner and the telephone company or telecommunications carrier in an effort to arrive at an equitable agreement concerning the land or land rights and the price to be paid for such land or land rights. It does not mean that an agreement must be reached or that either the landowner or the telephone company or telecommunications carrier must agree with the other.

The price to be paid to the landowner by the telephone company or telecommunications carrier for the land or land rights is a matter of negotiation between the landowner and the telephone company or telecommunications carrier. The Commission does not participate in the negotiations, nor does it establish or approve the price. Specific information on the price to be offered for the land or land rights will be provided by the telephone company or telecommunications carrier representative.

The telephone company or telecommunications carrier representative may be negotiating with you for the acquisition of an easement for the use of the land or for the purchase of the land. In either case, the telephone company or telecommunications carrier will have its own form of easement or deed, as the Commission has no standard forms which the utility is required to use.

There is no certainty that the telephone company or telecommunications carrier will be
allowed to acquire land or land rights through the use of eminent domain. However, you should not delay in contacting the telephone company or telecommunications carrier's representative to attempt to negotiate fair compensation for the land or land rights which the utility seeks.

If you have any questions about this Statement or the rules and procedures of the Illinois Commerce Commission, please contact the Chief Telephone Engineer, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62706. Any specific questions concerning your individual property should be addressed to the telephone company or telecommunications carrier representative.


(Source: Amended at 27 Ill. Reg. ______, effective _____________)
DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Reimbursement For Expenses

2) **Code Citation:** 20 Ill. Adm. Code 110

3) **Section Numbers:** Proposed Action:

   - 110.10 Amendment
   - 110.15 Amendment
   - 110.25 Amendment
   - 110.30 Amendment
   - 110.35 Amendment

4) **Statutory Authority:** Implementing Section 3-7-6 and authorized by Section 3-2-2 of the Unified Code of Corrections [730 ILCS 5/3-7-6 and 3-2-2].

5) **A Complete Description of the Subjects and Issues Involved:** This rulemaking is to update procedures concerning the recovery cost of incarceration and require committed persons to provide financial information on a form prescribed by the Department in accordance with Public Act 92-564. Additionally, this rulemaking notifies the public that the offender’s failure to cooperate and to provide requested financial information may result in discipline.

6) **Will this proposed rulemaking replace an emergency rule currently in effect?** No

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

8) **Do these proposed amendments contain any incorporation by reference?** No

9) **Are there any other proposed rulemakings pending on this Part?** No

10) **Statement of Statewide Policy Objectives:** This rulemaking does not create or expand any State mandate.

11) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:** Interested persons may submit written comments during the 45-day First Notice Period, which commences on the issue date of this publication of the *Illinois Register*, to:

    Patricia Lubben, Rules Coordinator  
    Illinois Department of Corrections  
    1301 Concordia Court
DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

P. O. Box 19277
Springfield, Illinois  62794-9277
217/522-2666, extension 6512

All written comments received after 45 days from the date of this publication will be considered, time permitting.

12)  **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

13)  **Regulatory Agenda on which this rulemaking was summarized:**  July 2002

The full text of the Proposed Amendments begins on the next page:
DEPARTMENT OF CORRECTIONS
NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER 1: DEPARTMENT OF CORRECTIONS
SUBCHAPTER a: ADMINISTRATION AND RULES

PART 110
REIMBURSEMENT FOR EXPENSES

SECTION
110.10 Applicability
110.15 Definitions
110.20 Responsibilities
110.25 Charges for Expenses for Costs of Incarceration
110.30 Responsibilities of Offender Liability for Expenses
110.35 Guidelines for Referral to Attorney General

AUTHORITY: Implementing Section 3-7-6 and authorized by Section 3-2-2 of the Unified
Code of Corrections [730 ILCS 5/3-7-6 and 3-2-2].

effective ____________.

Section 110.10 Applicability

This Part applies to the adult and juvenile facilities within Adult and Juvenile Divisions of the
Department of Corrections.

(Source: Amended at 27 Ill. Reg. ______, effective ____________)

Section 110.15 Definitions

"Assets" as defined in Section 3-7-6 of the Unified Code of Corrections [730 ILCS 5/3-7-6] means any property, tangible or intangible, real or personal, belonging to or due to an offender from social security, worker’s compensation, veteran’s compensation, pension benefits, or from any other source whatsoever and any and all assets and property of whatever character held in the name of the offender convicted person, held for the benefit of the offender person, or payable or otherwise deliverable to the offender person. Any trust, or portion of a trust, of which an offender convicted person is a beneficiary shall be construed as an asset of the person if under terms of the trust benefits are required to be payable to the offender person.
DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

"Average per capita cost" means the amount calculated for the average per capita cost per day for all offenders committed persons of a particular correctional facility for the fiscal year for which the rate is being calculated.

"Offender convicted person" means a person who, through judicial determination, has been placed in the custody of the Department on the basis of a conviction as an adult has been sentenced and is presently or was previously committed to the Department.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

"Gang-related activity" has the same meaning ascribed to it as in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act [740 ILCS 147/10].

(Source: Amended at 27 Ill. Reg. ______, effective ______________)

Section 110.25 Charges for Expenses for Costs of Incarceration

a) The time period for determining the costs of incarcerating an offender convicted person shall be calculated from the date the offender person was confined within the Department or from July 1, 1982, whichever date is later, until the date the offender person is released.

b) The maximum rate at which sums shall be charged for the expenses incurred by an offender convicted person committed to a Department correctional facility for his or her incarceration shall be computed as the average per capita cost per day for all offenders convicted persons of the particular correctional facility in which the offender convicted person is incarcerated for the fiscal year during which the offender convicted person was incarcerated or the average per capita cost for the most recent fiscal year in which a final average per capita cost is known.

c) The average per capita cost of incarceration for a given Department correctional facility shall be computed by determining the total amount of operational expenditures for a given fiscal year for the particular correctional facility and dividing the expenditures by the average daily offender convicted person population for that particular correctional facility during that fiscal year.

d) The average per capita cost per day for each Department correctional facility shall be recalculated annually by the Department as soon as the figures of the preceding
DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

fiscal year are available.

e) The offender convicted person shall be charged for the time housed at each correctional facility.

f) Payments received on behalf of a particular offender convicted person, regardless of source, shall be accepted and credited against the expenses charged to the particular offender convicted person.

(Source: Amended at 27 Ill. Reg. _____, effective ____________)

Section 110.30 Responsibility of Offender Liability for Expenses

a) An offender A convicted person committed to a Department correctional facility shall be responsible for reimbursing the Department for the expenses incurred by his or her incarceration or for the expenses incurred during incarceration as provided by statute and Department rules, such as educational, medical, or dental expenses.

b) Offenders shall fully cooperate with the Department by providing complete financial information on the financial status report form. The form shall include, but not be limited to:

1) Offender's age;
2) Offender's marital status;
3) Number and ages of the offender's dependent children and other dependents;
4) Type and value of real estate;
5) Type and value of personal property;
6) Cash and bank accounts;
7) Location of any lock boxes;
8) Type and value of investments, pensions, annuities;
9) Other assets of significant cash value such as jewelry, art work, collectables, and dental and medical insurance policies; and
10) Other information deemed pertinent in the investigation of assets.

c) All offenders in the custody of the Department on January 1, 2003 and all offenders entering the Department thereafter shall complete the financial information form and shall swear under oath or affirm that to the best of his or her knowledge, the information is complete and accurate.

d) Offenders shall periodically update their financial information as requested by the Department.

e) Any offender who willfully refuses to cooperate in providing financial information shall be subject to disciplinary action, including loss of good conduct credits towards his or her sentence of up to 180 days.
DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 27 Ill. Reg. _____, effective ____________)

Section 110.35 Guidelines for Referral to Attorney General

a) The Director may, when he or she knows or reasonably believes that an offender convicted person committed to a Department correctional facility or the estate of that offender person has assets which may be used to satisfy all or part of a judgment rendered under Section 3-7-6 of the Unified Code of Corrections [730 ILCS 5/3-7-6] or when he or she knows or reasonably believes that an offender convicted person committed to a Department correctional facility is engaged in a gang-related activity and has a substantial sum of money or other assets, provide for the forwarding to the Attorney General of a report on the offender and that report shall contain a completed financial status form together with all other information available concerning the assets of the offender and an estimate of the total expenses for that offender.

b) The Director shall refrain from authorizing the Attorney General to institute proceedings to require the offender convicted person or the estate of that offender person to reimburse the Department for expenses incurred by the offender's convicted person's incarceration when he or she knows or reasonably believes the convicted person or their estate does not have assets in excess of the exemptions from enforcement provided for by Sections 12-704, 12-803, 12-804, 12-901, or 12-1001 of the Code of Civil Procedure [735 ILCS 5/12-704, 12-803, 12-804, 12-901, or 12-1001] or any federal statute or case law exempting the asset in question.

(Source: Amended at 27 Ill. Reg. _____, effective ____________)
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Petition to Review Pollution Control Facility Siting Decisions

2) **Code citation:** 35 Ill. Adm. Code 107

3) **Section Numbers:**
   - 107.302 Amend
   - 107.304 Amend
   - 107.500 Amend
   - APPENDIX A Repeal

4) **Statutory authority:** 415 ILCS 5/26, 27, 39.2, and 40.1 of the Illinois Environmental Protection Act [415 ILCS 5].

5) **A complete description of the subjects and issues involved:** The Board’s rulemaking docket R03-10 proposes to amend the Board’s procedural rules to allow electronic filing in all Board proceedings through the Board’s new Clerk’s Office On-Line (COOL). No paper filing will be required for a document filed electronically, and a paper filing will necessitate only the paper original and one copy. The substantive portion of the proposed new rules is set forth in 35 Ill. Adm. Code 101.Subpart J. The amendments to this Part cross-reference the electronic filing rules proposed in Part 101 and eliminate the requirement for filing multiple copies.

6) **Will these proposed amendments replace emergency rulemaking currently in effect?** No

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

8) **Do these proposed amendments contain incorporations by reference?** No

9) **Are there any other amendments pending on this Part?** No

10) **Statement of statewide policy objective:** Electronic filing is optional. This rulemaking imposes no procedural mandates on units of local government to the extent they may appear before the Board.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

11) **Time, place and manner in which interested persons may comment on this proposed rulemaking:** The Board will accept written public comment on this proposal until January 21, 2003. Comments should reference Docket R03-10 and be addressed to:

   Clerk’s Office
   Illinois Pollution Control Board
   100 W. Randolph St., Suite 11-500
   Chicago IL 60601

   Interested persons may request copies of the Board’s opinion and order by calling Dorothy Gunn at 312-814-3620, or download from the Board’s Web site at www.ipcb.state.il.us.

   Address all questions to Carol Sudman at 217/524-8509 or sudman@ipcb.state.il.us.

   Additionally, the Board will hold two public hearings on these rules. The first hearing will be December 12, 2002 at 1:00 p.m. at:

   Illinois Pollution Control Board
   Hearing Room 403
   600 S. Second Street
   Springfield IL

   The second hearing will be December 19, 2002 at 1:00 p.m. at:

   James R. Thompson Center
   Room 9-040
   100 W. Randolph Street
   Chicago IL

12) **Initial regulatory flexibility analysis:**

   A) **Types of small businesses, small municipalities, and not-for-profit corporations affected:** This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that appear before the Board.

   B) **Reporting, bookkeeping or other procedures required for compliance:** The existing rules and proposed amendments do not require extensive reporting, bookkeeping or other procedures.
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: as the Board has been able to make technological advancements much more rapidly than anticipated.

The full text of the proposed amendments begins on the next page:
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER 1: POLLUTION CONTROL BOARD

PART 107
PETITION TO REVIEW POLLUTION CONTROL FACILITY SITING DECISIONS

SUBPART A: GENERAL PROVISIONS

Section
107.100 Applicability
107.102 Severability
107.104 Definitions
107.106 Description

SUBPART B: PETITION FOR REVIEW

Section
107.200 Who May File Petition
107.202 Parties
107.204 Time for Filing Petition
107.206 Filing and Service Requirements
107.208 Petition Content Requirements

SUBPART C: FILING OF LOCAL RECORD

Section
107.300 Record
107.302 Filing of the Record
107.304 Record Contents
107.306 Preparing of the Record
107.308 Certification of Record

SUBPART D: HEARING

Section
107.400 General
107.402 Authority and Duties of Hearing Officer
107.404 Public Participation

SUBPART E: BOARD REVIEW AND DECISION

Section
107.500 Preliminary Board Determination/Set for Hearing
107.502 Dismissal of Petition
Notice of Proposed Amendments

107.504 Decision Deadline
107.506 Burden of Proof

APPENDIX A Comparison of Former and Current Rules (Repealed)

Authority: Authorized by Sections 26 and 27 of the Environmental Protection Act (Act) [415 ILCS 5/26 and 27] and implementing Sections 39.2, and 40.1 of the Act [415 ILCS 5/39.2 and 40.1].


Subpart C: Filing of Local Record

Section 107.302 Filing of the Record

The siting authority must, in accordance with 35 Ill. Adm. Code 101.302(h), file the record of its proceedings with the Board as directed by Board or hearing officer order. Failure to file the entire record on the date directed by the Board or hearing officer may subject the respondent to sanctions as may be ordered by the Board in accordance with 35 Ill. Adm. Code 101.Subpart H.

(Source: Amended at 27 Ill. Reg. ______, effective ____________)

Section 107.304 Record Contents

1) The siting application;
2) Any and all transcripts of local hearings;
3) All briefs and other arguments and statements of parties and participants;
4) All exhibits relied upon by the local siting authority in making its decision;
NOTICE OF PROPOSED AMENDMENTS

5) All written public comments relevant to the local government proceeding;
6) Minutes of all relevant open meetings of the siting authority;
7) Notices of hearings or all relevant meetings of the siting authority;
8) The written decision of the siting authority made pursuant to Section 39.2 of the Act;
9) Certificate of Record as described in Section 107.308 of this Part; and
10) If, prior to making a final local siting decision, a county board or governing body of a municipality has negotiated and entered into a host agreement with the local siting applicant, the terms and conditions of the host agreement, whether written or oral, shall be disclosed and made a part of the hearing record for that local siting proceeding. In the case of an oral agreement, the disclosure shall be made in the form of a written summary jointly prepared and submitted by the county board or governing body of the municipality and the siting applicant and shall describe the terms and conditions of the oral agreement. [415 ILCS 5/39.2(e)]

b) The record must contain the originals or legible copies of all documents, must be arranged in chronological sequence, and must be sequentially numbered, placing the letter "C" before the number of each page.

c) Seven copies of the transcript and one original and 9 copies of all other documents in the record must be filed with the Board.

(Source: Amended at 27 Ill. Reg. _____, effective _____________)

SUBPART E: BOARD REVIEW AND DECISION

Section 107.500 Preliminary Board Determination/Set for Hearing

Upon proper filing of the petition, the Board will set the matter for hearing unless it determines that the matter is frivolous or duplicative, as required by Section 40.1(b) of the Act.

(Source: Amended at 27 Ill. Reg. _____, effective _____________)
APPENDIX A  Comparison of Former and Current Rules *(Repealed)*

The following table compare the former procedural rules (in effect on December 31, 2000) with the current procedural rules (effective January 1, 2001):

<table>
<thead>
<tr>
<th>FORMER PART 107</th>
<th>CURRENT SECTION</th>
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<tbody>
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<td>105.504(c)</td>
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<td>105.508</td>
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<td>107.Subpart C</td>
<td>105.108</td>
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<td>107.Subpart D</td>
<td>105.510</td>
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<td>107.Subpart E</td>
<td>105.100(b)</td>
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<td>107.Subpart F</td>
<td>105.100(b)</td>
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<td>105.109</td>
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<td>101.Subpart I</td>
</tr>
</tbody>
</table>

(Source: Repealed at 27 Ill. Reg. _______, effective _____________)
DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Firearm Transfer Inquiry Program

2) **Code Citation:** 20 Ill. Adm. Code 1235

3) **Section Numbers:**

<table>
<thead>
<tr>
<th>Proposed Action</th>
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<tbody>
<tr>
<td>1235.40</td>
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<tr>
<td>1235.120</td>
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<td>1235.130</td>
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4) **Statutory Authority:** Implementing and authorized by Section 3 and Section 3.1 of the Firearm Owner’s Identification Card Act [430 ILCS 65/3 and 65/3.1] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

5) **A Complete Description of the Subjects and Issues Involved:** The proposed amendments will update the billing process and telephone number changes associated with the Firearm Transfer Inquiry Program.

6) **Will this proposed amendment replace an emergency rule currently in effect?** Yes

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

8) **Does this proposed amendment contain incorporations by reference?** No

9) **Are there any other proposed amendments pending on this Part?** No

10) **Statement of Statewide Policy Objectives:** These rules will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking:** Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed amendments. The submissions must be in writing and directed to:

    Mr. James W. Redlich
DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois  62794-9461
(217) 782-7658

12) Initial Regulatory Flexibility Analysis:

   A) Types of small businesses, small municipalities and not for profit corporations affected: Federally-licensed firearm dealers.

   B) Reporting, bookkeeping or other procedures required for compliance: None

   C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2002

The full text of the Proposed Amendments begins on the next page:
DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1235
FIREARM TRANSFER INQUIRY PROGRAM

Section
1235.10 Purpose
1235.20 Definitions
1235.30 Federal and State Laws and Local Ordinances
1235.40 Access to System Hours of Operation
1235.50 Holidays
1235.60 Enrollment
1235.70 Inquiry Requirement
1235.80 Inquiry Procedure
1235.90 Response Procedures
1235.100 Denial Notification
1235.110 Transfer of Firearms
1235.120 Fees
1235.130 Termination of Services

AUTHORITY: Implementing and authorized by Sections 3 and 3.1 of the Firearm Owner's Identification Card Act [430 ILCS 65/3 and 3.1] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].


Section 1235.40 Access to System Hours of Operation

The Firearm Transfer Inquiry Program will receive automated inquiries 8:30 a.m. to 9:30 p.m., Monday through Sunday, 365 days a year, and manual inquiries from 8:30 a.m. to 4:30 p.m., Monday through Friday. The Firearm Transfer Inquiry Program will receive inquiries from dealers in Illinois from 9:30 a.m. to 9:30 p.m., Monday through Friday, and 9:30 a.m. to 6:30 p.m. on Saturday and Sunday. Hours of operation shall be increased if need is identified and funding is available.

(Source: Amended at 27 Ill. Reg. ______, effective ____________)
Section 1235.50 Holidays

Automated inquiries will be available on all State holidays. Manual transactions will not be available on State holidays. The Firearm Transfer Inquiry Program will be closed on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

(Source: Amended at 27 Ill. Reg. ______, effective ____________)

Section 1235.60 Enrollment

All participating dealers must be federally enrolled in the Firearm Transfer Inquiry Program prior to transferring firearms. Federally-licensed firearm dealers in Illinois and must may enroll in the Firearm Transfer Inquiry Program upon initial licensing and upon renewal of licensing with the Bureau of Alcohol, Tobacco, and Firearms and every three years thereafter by completing the dealer enrollment form provided by the Department. These forms may be obtained from the Firearm Transfer Inquiry Program, P.O. Box 3677, Springfield, IL 62708-3677. The Department shall not charge a fee to enroll. The Department shall provide enrolled dealers with a unique number to be used when inquiring into the Firearm Transfer Inquiry Program. It is the responsibility of the federal firearm licensee to notify the Department of any change, license status, or licensing information.

(Source: Amended at 27 Ill. Reg. ______, effective ____________)

Section 1235.70 Inquiry Requirement

All dealers shall inquire into the Firearm Transfer Inquiry Program for all transfers which require the transferee to display a currently valid Firearm Owner's Identification Card previously issued in his name by the Department under the provisions of the Act, except that an inquiry is not required for a transfer from one dealer to another dealer. The inquiry requirements apply equally to transfers involving new, used, and trade-in firearms. Regardless of the requirements of this Part, dealers must comply with all State and federal firearm laws.

(Source: Amended at 27 Ill. Reg. ______, effective ____________)

Section 1235.80 Inquiry Procedure

a) The dealer will perform the inquiry by calling a toll-free 900 telephone number provided by the Department to the dealer. The This number shall be kept confidential by the dealer and only used to perform inquiries required under Section 1235.70.
DEPARTMENT OF STATE POLICE  

NOTICE OF PROPOSED AMENDMENTS

b) The inquiry will consist of the permanent portion of the dealer's federal firearm license number (the first three digits and the last five digits), the dealer number issued by the Department, and the transferee's Firearm Owner's Identification Card number.

c) In the event an inquiry results in a conditional denial, the dealer will provide additional information to facilitate a return call from the Department. The additional information shall include a description of the subject firearm(s) sufficient to determine which delivery waiting period applies and information concerning the dealer's business hours for inquiry response call-back purposes.

(Source: Amended at 27 Ill. Reg. ______, effective ____________)

Section 1235.90  Response Procedures

The Department shall provide, during the initial dealer inquiry, an approval, denial, or conditional denial of the transfer. The time period for the Department to respond shall begin at the time the inquiry is received. When the Department provides a conditional denial, the dealer shall not transfer the firearm until an approval is provided by the Department or the length of time prescribed in Section 24-3 of the Criminal Code of 1961 [720 ILCS 5/24.3] has been exceeded. If the Department has not provided an approval or denial within the prescribed length of time, the dealer may proceed with the transfer. Failure of the Department to provide an approval or denial within the prescribed length of time does not relieve the dealer from compliance with any other statutory restrictions on firearm transfers. Regardless of the requirements of this Part, transactions must comply with all State and federal firearm laws.

(Source: Amended at 27 Ill. Reg. ______, effective ____________)

Section 1235.110  Transfer of Firearms

The transfer of the firearm(s) associated with a particular inquiry shall only occur after the withholding of delivery provisions of Section 24-3 of the Criminal Code of 1961 [720 ILCS 5/24-3] and within 30 days after the approval to transfer has been provided by the Department.

(Source: Amended at 27 Ill. Reg. ______, effective ____________)

Section 1235.120  Fees

The fee for inquiries shall be set by the Director; however, the fee shall be the cost to provide the service, but shall not exceed $2.00 per inquiry as defined by State statute. The fee shall be collected through a billing process implemented by the Department use of the 900 inquiry number.
DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 27 Ill. Reg. ______, effective ____________)

Section 1235.130  Termination of Services

a) If a dealer fails to pay the fees for the Firearm Transfer Inquiry Program transactions 900-number service, which will be included in the dealer’s normal telephone bill, within 30 days after their due date, the Department shall notify the dealer that failure to pay this bill will result in termination of services.

b) If a dealer fails to pay the fees for the Firearm Transfer Inquiry Program transactions 900-number service within 60 days after their due date, the Department shall terminate Firearm Transfer Inquiry Program services to the dealer.

c) If a dealer fails to comply with any of the requirements of this Part, the Department shall notify the dealer of the non-compliance. The dealer shall have 30 days from notification of non-compliance in which to respond to the Department.

d) If a dealer fails to respond to a notice of non-compliance or if the response fails to resolve the non-compliance to the satisfaction of the Department, the Department shall terminate Firearm Transfer Inquiry services to the dealer.

e) If a dealer’s continued access to Firearm Transfer Inquiry Program services would result in a violation of law or create a danger to the public, services may be suspended immediately.

(Source: Amended at 27 Ill. Reg. ______, effective ____________)
TEACHERS’ RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: The Administration and Operation of the Teachers’ Retirement System

2) Code Citation: 80 Ill. Adm. Code 1650

3) Section Numbers: Proposed Action:
   1650.160   Amending
   1650.520   Amending
   1650.1001  New


5) A Complete Description of the Subjects and Issues Involved: Through this rulemaking the Teachers' Retirement System (TRS) is amending its confidentiality rule to allow the exchange of certain member information with the Illinois State Board of Education; deleting post-retirement work limitation rule that was rendered obsolete by passage of new post retirement work limitation law; and adding a rule to define “election date/day” for member and annuitant trustee elections.

6) Will this proposed amendment replace any emergency amendments currently in effect? No

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

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: Not Applicable

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed amendment may be submitted in writing for a period of 45 days following publication of this Notice to:

   Thomas S. Gray, General Counsel
   Teachers’ Retirement System
   2815 West Washington, P. O. Box 19253
   Springfield, Illinois  62794-9253
   (217) 753-0375
TEACHERS’ RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

12) **Initial Regulatory Flexibility Analysis:** These rules will not affect small businesses.
   
   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

13) **Regulatory Agenda on which this rulemaking was summarized:** July 2002

The full text of the Proposed Amendments begin on the next page:
TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

PART 1650
THE ADMINISTRATION AND OPERATION OF THE TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section
1650.10 Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section
1650.110 Membership Records
1650.120 Claims Records (Repealed)
1650.130 Individual Accounts (Repealed)
1650.140 Ledger and Accounts Books (Repealed)
1650.150 Statistics (Repealed)
1650.160 Confidentiality of Records
1650.180 Filing and Payment Requirements
1650.181 Early Retirement Incentive Payment Requirements
1650.182 Waiver of Additional Amounts Due
1650.183 Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section
1650.201 Disability Benefits – Application Procedure
1650.202 Disability and Occupational Disability Benefits – Definitions
1650.203 Disability Retirement Annuity – Definitions
1650.204 Gainful Employment – Consequences
1650.205 Medical Examinations and Investigation of Disability Claims
1650.206 Physician Certificates
1650.207 Disability Due to Pregnancy
1650.208 Disability Payments
1650.209 Computation of Annual Salary When Member Has Different Semester Salary
Notice of Proposed Amendments

### Rates
- 1650.210 Claim Applications
- 1650.211 Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity
- 1650.220 Reclassification of Disability Claim (Repealed)
- 1650.221 When Member Becomes Annuitant
- 1650.222 Death Out of Service
- 1650.230 Medical Examinations and Investigations of Claims (Repealed)
- 1650.240 Refunds; Impermissible Refunds; Canceled Service; Repayment
- 1650.250 Death Benefits
- 1650.260 Evidence of Age
- 1650.270 Reversionary Annuity – Evidence of Dependency
- 1650.271 Evidence of Parentage
- 1650.272 Eligible Child Dependent By Reason of a Physical or Mental Disability
- 1650.280 Evidence of Marriage
- 1650.290 Offsets

### SUBPART D: MEMBERSHIP AND SERVICE CREDITS

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<td>1650.320</td>
<td>Method of Calculating Service Credits</td>
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<td>1650.325</td>
<td>Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit</td>
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<td>Duplicate Service Credit</td>
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<td>Service Credit for Unused Accumulated Sick Leave Upon Retirement</td>
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AUTHORITY: Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].


SUBPART B: BASIC RECORDS AND ACCOUNTS

Section 1650.160 Confidentiality of Records

The Board, its Executive Director, and agents and employees of the System are prohibited from disclosing the contents of a member's, annuitant's, or beneficiary's files, records, papers, or communications except: for purposes connected with the official responsibility of the Teachers' Retirement System; to other systems subject to and participating in the Reciprocal Act; to the Department of Central Management Services for annuitant health insurance purposes; to the Social Security Administration for government pension offset determination and windfall elimination purposes; to the Illinois State Board of Education for data collection and verification.
purposes: upon written authorization from the individual whose record is to be released; in response to a subpoena; or when required pursuant to the Freedom of Information Act [5 ILCS 140]. When appropriate, a confidentiality agreement ensuring the confidentiality of the information being furnished by the System shall be executed by the receiving entity. Failure to abide by such confidentiality agreement shall result in the immediate cessation of information sharing with the entity breaching the agreement.

(Source: Amended at 27 Ill. Reg. _____, effective ____________)

SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

Section 1650.520 Suspension of Benefits

a) Annuitants receiving a retirement annuity under Section 16-132 of the Act may be employed as teachers not in excess of 100 days or 500 hours within any one school year. Employment in excess of 100 days or 500 hours within any one school year shall result in termination of payment. When such employment has terminated, the member may re-apply for retirement annuity to be payable effective on the day following termination of employment.

ab) Monthly benefit payments to annuitants shall be suspended when two monthly warrants remain uncashed. The System shall inquire as to the cause for the non-cashing of the warrants. These and subsequent payments shall be made upon learning the circumstances or whereabouts of the warrants, or upon prompt compliance in cashing same.

be) Recipients of a non-occupational disability benefit, occupational disability benefit, disability retirement annuity, or a monthly survivor benefit who fail to return documentation of continued eligibility within the specified time period shall have their monthly benefit payment suspended. Upon receipt of the required documentation and upon determination of continued eligibility, these and subsequent payments shall be made.

(Source: Amended at 27 Ill. Reg. _____, effective ____________)

Section 1650.1001 Election Date/Election Day – Defined

For purposes of Subpart L: Board Election Procedures, the term “election date” or “election day” shall mean “May 1, unless May 1 falls on a Saturday or Sunday, in which event the election shall be conducted on the following Monday” in trustee election years as prescribed in 40 ILCS 5/16-165.
TEACHERS’ RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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(Source:  Added at 27 Ill. Reg. _______, effective ____________)
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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Community Care Program

2) Code Citation: 89 Ill. Adm. Code 240

3) Section Numbers: Adopted Action:
   240.400 Amendment
   240.865 Amendment
   240.920 Amendment
   240.950 Amendment
   240.1010 Amendment

4) Statutory Authority: 20 ILCS 105/4.01 (11) and 5.02

5) Effective Date of Amendments: November 25, 2002

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

7) Do these amendments contain incorporations by reference? Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency’s principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: July 12, 2002 at 26 Ill. Reg. 10076

10) Has JCAR issued a Statement of Objection to this amendment? Yes
    A) Statement of Objection: October 25, 2002 at 26 Ill. Reg. 15331
    B) Agency Response: November 29, 2002 at 26 Ill. Reg. 17440
    C) Date Agency Response Submitted for Approval to JCAR: November 19, 2002

11) Differences between proposal and final version: None

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes, (minor clerical changes) other than JCAR’s objection filed regarding 89 Ill. Adm. Code 240.400(a).

13) Will these amendments replace any emergency amendments currently in effect? Yes
NOTICE OF ADOPTED AMENDMENTS

14) Are there any proposed amendments pending on this Part? No

15) Summary and Purpose of Amendments: The amendments are amended in response to the FY 2003 Budget Implementation Act which requires all applicants and clients to apply for medical assistance effective July 1, 2002. These rules also require case coordination units to perform prescreenings on prisoners/parolees seeking nursing facility placement. Lastly, the rules also make a change to the Department’s appeal rule to address the eligibility changes required by State statute.

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

Ms. Heidi E. Dodd
Assistant General Counsel
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue #100
Springfield, Illinois 62701-1789
217/785-3346

The full text of the adopted amendments begins on the next page:
DEPARTMENT ON AGING

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AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(11)].

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SUBPART D: APPEALS

Section 240.400 Appeals and Fair Hearings

a) Any individual who applies for or receives Community Care Program (CCP) services of any kind has the right to appeal a decision, action or inaction of the Department, a Case Coordination Unit (CCU) or a provider. If the decision, action or inaction is based on automatic, non-discretionary changes in eligibility, rates or benefits required by Federal or State statute, law or regulation, which adversely affects some or all clients, the appeal will be automatically denied and the individual will not be afforded a hearing. The applicant/client/authorized representative shall be notified of his/her right to appeal by the CCU at the time the applicant/client/authorized representative is notified of the action taken. The individual shall be given an explanation of the right to appeal at the time of the initial home visit and upon request. A copy of the rights and responsibilities of a CCP applicant/client (including an explanation of the right to appeal) shall be provided in written format to all applicants/clients/authorized representatives during the initial home visit for determination of eligibility and upon request.

b) It shall be the responsibility of the applicant/client/authorized representative to advise the Department of his/her intent to appeal.

c) The effective date of the appeal is the date on which an applicant/client/authorized representative indicates to the Department the intent to appeal either by telephone or in writing.

d) If the Department is advised of the intent to appeal either by letter or by telephone, the Department shall, within two work days, send to the appellant a Notice of Appeal to Department on Aging form to be completed and signed by the appellant/authorized representative.
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e) The written notice of appeal must be filed with the Department on a Notice of Appeal to Department on Aging form and shall be completed and executed by the appellant/authorized representative and returned to the Department.

f) The executed Notice of Appeal to Department on Aging form must be submitted to the Department at the following address:

   Illinois Department on Aging
   Division of Long Term Care
   421 East Capitol Ave., #100
   Springfield, Illinois  62701-1789


g) No later than ten work days from the date of receipt of Notice of Appeal to Department on Aging form, the Department shall send written acknowledgment of receipt to the appellant/authorized representative and to all other parties to the appeal.

h) The written Notice of Appeal to Department on Aging shall include the following:

   1) the name, address and telephone number of the applicant/client filing the appeal, or on whose behalf the appeal is filed; and

   2) the name, address, and telephone number of the authorized representative, if any, filing the appeal on behalf of the applicant/client; and

   3) the specific action being appealed, including the date of notice advising the applicant/client/authorized representative of the action appealed and the effective date of that action; and

   4) the name of the Case Coordination Unit as indicated on the notice of the action being appealed.

i) Effective April 1, 1992, Case Coordination Units are to provide a copy of any notice of adverse action to any applicant's/client's authorized representative, if the client has earned ten points on the Mini-Mental State Examination (MMSE). If the authorized representative is a family member residing with the client, the single notice to the client will suffice.

(Source: Amended at 26 Ill. Reg. 17358, effective November 25, 2002)

Section 240.865 Application For Medical Assistance (Medicaid)

Effective July 1, 2002, applicants/clients will be required to apply for medical assistance (Medicaid) as a condition of eligibility for the Community Care Program. Applicants/clients will be required to apply for medical assistance (Medicaid) as a condition of eligibility for the Community Care Program. Although applicants/clients must agree to apply for medical assistance (Medicaid), applicants/clients are not required to meet the eligibility criteria for Medicaid to receive benefits under the Community Care Program.
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the Illinois Department of Public Aid (IDPA) are required to apply to IDPA for a determination of eligibility for such medical assistance.

(Source: Amended at 26 Ill. Reg. 17358, effective November 25, 2002)

Section 240.920 Reasons for Denial

Denial of Community Care Program (CCP) eligibility shall be based upon one or more of the reasons identified below:

a) Applicant is less than 60 years of age at the time of the determination of eligibility.

b) Applicant is not in need of CCP services: scored less than 29 total points/less than 15 points on Part A, Level of Impairment, of the Determination of Need.

c) Applicant/authorized representative refuses to sign Client Agreement - Plan of Care.

d) Applicant/authorized representative refuses to sign Client Agreement - Plan of Care based upon the expense to be incurred monthly as required on the Client Agreement - Plan of Care.

e) Applicant/authorized representative does not agree with plan of care/hours of service.

f) Applicant is deceased.

g) Applicant has been institutionalized for more than 60 calendar days from the date of application.

h) Applicant/authorized representative voluntarily withdraws application.

i) Applicant cannot be located to determine eligibility/provide CCP services.

j) Applicant/authorized representative has not provided reasonable documentation supporting eligibility as required by the Department or its Case Coordination Unit (CCU) within 90 calendar days from the date of receipt of the completed application.

k) Applicant/authorized representative has not cooperated with the Department/CCU/vendor as required and as specified by Section 240.350.

l) Applicant does not meet citizenship requirements.

m) Applicant does not meet residency requirements.

n) A plan of care cannot be developed that adequately meets the applicant's determined needs.

1) The determination that an adequate plan of care cannot be developed shall be sought first through the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner endorsement. Failure to obtain the supportive endorsement that an adequate plan of care cannot be developed shall be so documented.

2) If the Physician/Nurse Practitioner/Registered Nurse/Christian Science
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Practitioner fails to provide the supportive endorsement, the CCU shall make the determination that an adequate plan of care cannot be developed in accordance with Section 240.715.

o) The total value of applicant's non-exempt assets is in excess of $10,000.
p) Applicant has not provided the Physician, Nurse Practitioner, Registered Nurse or Christian Science Practitioner endorsement as required by Section 240.730(d).
q) Eligibility could not be established for an applicant who was receiving interim services based upon presumptive eligibility as required by Section 240.1020.
r) Applicant/authorized representative provided fraudulent information.
s) Applicant whose CCP services were previously denied or terminated for non-cooperation as set forth in Section 240.350 shall be denied services upon re-application, except as the situation or condition which led to the memorandum of understanding (see Section 240.350) has been permanently resolved.
t) Applicant has an outstanding bill for CCP services provided prior to this application which he/she refuses to pay.
u) Applicant chooses not to receive CCP services from the list of authorized vendors and has so indicated on the Client's Vendor Selection form.
v) Applicant received interim services in the past for which an incurred expense was never paid.
w) Applicant has transferred non-exempt assets within the past 36 months for the purpose of obtaining CCP services.
x) Applicant/authorized representative has not reported or refused to provide documentation of changes in circumstances which have occurred prior to eligibility determination as required by Section 240.360.
y) Effective July 1, 2002, applicant refuses to apply for medical assistance (Medicaid) under Article V of the Illinois Public Aid Code.

(Source: Amended at 26 Ill. Reg. 17358, effective November 25, 2002)

Section 240.950 Reasons for Termination

A client shall be terminated from the Community Care Program (CCP) for one or more of the reasons identified below:

a) client is deceased;
b) client is an in-patient of any institution or is otherwise not available for services for more than sixty (60) calendar days;
c) client's condition has improved and there is no longer a need for CCP services as measured by the CCP Determination of Need (DON);
d) client cannot be located;
e) client has requested termination of services;
f) client refuses transfer to different vendor/Case Coordination Unit (CCU) and the
current vendor/CCU cannot provide services needed by the client;  
g) client has failed to cooperate with the Department/CCU/vendor as required and as specified in Section 240.350;  
h) client no longer meets citizenship requirements;  
i) client no longer meets residency requirements;  
j) a plan of care cannot be developed that adequately meets the client's determined needs in accordance with Section 240.715.  
1) Such determination shall be sought first through the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner endorsement. Failure to obtain the endorsement shall be so documented.  
2) If the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner fails to provide the supportive endorsement, the CCU shall make the determination that an adequate plan of care (see Section 240.730(d)) cannot be developed.  
k) client's non-exempt assets have increased and exceed $10,000 (see Section 240.810(a));  
l) client failed to report the transfer of non-exempt assets as required by Section 240.820;  
m) client, initially determined eligible prior to July 6, 1982 (see Section 240.800(a) and (b)), who has had continuous service since that time, refuses to declare income/assets upon redetermination;  
n) client has failed to report or refused to provide documentation of changes in circumstances as required by Section 240.360;  
o) client refuses to sign a Client Agreement - Plan of Care (see Section 240.855(c));  
p) client rejects CCP services under Section 240.330 and has so indicated on the Client's Vendor Selection form; or  
q) a client, whose CCP services were discontinued for non-payment of incurred expense for care, has not made payment for the indebtedness, and has not received CCP services for more than one (1) year (see Section 240.935(e)).  
r) Effective July 1, 2002, client refuses to apply for medical assistance (Medicaid) under Article V of the Illinois Public Aid Code.  

(Source: Amended at 26 Ill. Reg. 17358, effective November 25, 2002)
NOTICE OF ADOPTED AMENDMENTS

(h) of this Section, any individual seeking admission to a nursing facility must be screened to determine his or her need for nursing facility services pursuant to this Section. For the purposes of this Section, "nursing facility" means a location licensed under the Nursing Home Care Act [210 ILCS 45], or a location certified to participate in the Medicare program under Title XVIII of the Social Security Act (42 USC 301 et seq.) or the Medicaid program under Title XIX of the Social Security Act.

b) Prescreening shall be accomplished by the administration of the Community Care Program (CCP) Determination of Need, completion of the Illinois Department of Public Aid (DPA) Interagency Certification of Screening Results form, completion of the Illinois Department on Aging Nursing Facility Parolee Screen Notification form, and completion of an Illinois Department of Human Services (DHS) Level I ID Screen if the individual is determined appropriate for nursing facility placement. Prescreening may occur:

1) when hospital discharge planners have advised the CCU of the imminent risk of nursing facility placement of a patient who meets the above criteria and in advance of discharge of the patient; or
2) when a CCU has been advised of the imminent risk of nursing facility placement of an individual in the community.

c) A CCU must complete a DPA Interagency Certification of Screening Results form within two calendar days from the receipt of advice of imminent risk discharge from a hospital or admission from the community.

d) Responsibility for prescreenings shall be vested in the CCUs. However, CCUs may delegate authority to perform prescreenings to hospital discharge planners/social workers who have received training by the Department (refer to Section 240.740 of this Part), regularly attend required ongoing training, and who, in the professional judgement of the CCU, are qualified and approved to administer the CCP Determination of Need.

e) The individual who is prescreened shall:

1) be informed, of all appropriate options including nursing facility, in-home and community-based services; and
2) be advised of his/her right to refuse nursing facility, in-home, community-based, or all services.

f) Postscreening shall occur if an individual is admitted to a nursing facility without benefit of prescreening. Postscreening may occur:

1) after nursing facility placement in an emergency situation. The CCU shall conduct prescreening within 15 calendar days from the date of the request for postscreening;
2) for nursing facility admissions from a hospital emergency room, outpatient services, or an out-of-state hospital.

g) Nursing facility prescreening does not apply to the following:
DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

1) Transfers from one nursing facility to another.
2) Admissions to a continuing care retirement community with which the individual has a Life Care contract.
3) Admissions to hospice.
4) Returns to a nursing facility from a hospital.
5) Admissions to a nursing facility from the community for respite care for a period of no more than 15 days.
6) Admissions to sheltered care facilities.
7) Individuals who resided in a nursing facility on June 30, 1996.
8) Individuals who resided in a nursing facility for a period of at least 60 calendar days who are returning to a nursing facility after an absence of not more than 60 calendar days.

h) Any individual who has been admitted to a nursing facility that operates under the Hospital Licensing Act [210 ILCS 85], or provider licensed under Section 35 of the Alternative Health Care Delivery Act [210 ILCS 3/35], whose actual length of stay in the such-facility exceeds 21 days, shall be screened to determine the individual's need for continued services.

i) Nursing facility conversion screening is the assessment of the appropriateness of in-home and community-based care for nursing facility residents age 60 and over who have applied for and been found eligible for Medicaid assistance.
1) Conversion screens shall be initiated by a referral from the Illinois Department of Public Aid.
2) Conversion screens shall be accomplished in accordance with deinstitutionalization (refer to Section 240.1960(g) of this Part).
3) Conversion screens shall include the option of CCP transitional services for those individuals who are appropriate for in-home and community-based services.

(Source: Amended at 26 Ill. Reg. 17358, effective November 25, 2002)
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 Numbers:**
   - 310.110 Amended
   - 310.130 Amended
   - 310.230 Amended
   - 310.290 Amended
   - 310.490 Amended
   - 310.510 Repealed
   - 310.530 Amended
   - 310.540 Amended
   - APPENDIX B Amended
   - APPENDIX C Amended
   - APPENDIX D Amended
   - APPENDIX G Amended

4) **Statutory Authority:** Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

5) **Effective Date of Amendments:** November 25, 2002

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Do these amendments contain incorporations by reference?** No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspections. Copies of all Pay Plan amendments and Collective Bargaining contracts are available upon request from the Division of Technical Services.

9) **Notice of Proposal Published in the Illinois Register:** July 12, 2002; Issue #28; 26 Ill. Reg. 10094

10) **Has JCAR issued a Statement of Objection to this rulemaking?** No

11) **Differences between proposal and final version?** In Section 310.230, the hourly salary for the Laborer (Maintenance) title was upgraded from $6.20 - $6.75 to $7.05-$8.00, which was adopted on October 7, 2002 at 26 Ill. Reg. 14965.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace any emergency amendments currently in effect? Yes

14) Are there any proposed amendments pending on this Part? Yes

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
<th>Ill. Register Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table AA</td>
<td>Amend</td>
<td>26 Ill. Reg. 1774, 2/15/02</td>
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<tr>
<td>Table AA</td>
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<td>26 Ill. Reg. 13128, 09/06/02</td>
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<td>310.280</td>
<td>Amend</td>
<td>26 Ill. Reg. 13735, 09/20/02</td>
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<td>26 Ill. Reg. 13901, 09/27/02</td>
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<tr>
<td>310.280</td>
<td>Amend</td>
<td>26 Ill. Reg. 15154, 10/25/02</td>
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<tr>
<td>Table O</td>
<td>Amend</td>
<td>26 Ill. Reg. 15154, 10/25/02</td>
</tr>
</tbody>
</table>

15) Summary and Purpose of Amendments: The following amendments to the Pay Plan reflect the Fiscal Year 2003 changes that affect those employees subject to the Schedule of Salary Grades and the Merit Compensation System:

In Sections 310.110 (Implementation of Pay Plan Changes for Fiscal Year 2003), 310.130 (Effective Date, 310.530 (Implementation) and 310.540 (Annual Merit Increase Guidechart for Fiscal Year 2003), the dates were changed to reflect the new Fiscal Year.

In Section 310.230, Part-time Daily or Hourly Special Services Rate, the maximum hourly rates for the Conservation/Historic Preservation Workers were upgraded from $6.50 to $9.00 per hour. The hourly and daily rates for the Account Technician II, Office Aide, Office Assistant, Office Associate, Office Clerk and Revenue Tax Specialist I were upgraded to reflect the revised collective bargaining salary ranges for July 2002.

In Section 310.290, Out-of-State or Foreign Service Rate, the salary ranges for the Out-of-State and Foreign Service classes were upgraded to maintain the same differential above the revised Collective Bargaining, Salary Grades and Merit Compensation schedules.

In Section 310.490, Other Pay Provisions, the narrative pertaining to overtime pay in Paragraph c) 2) was revised to include reference to federal guidelines and that classes in MC 07 and above are not eligible for overtime unless required by federal regulation or approval of the Director of Central Management Services.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Section 310.510, Conversion of Base Salary to Pay Period Units, was repealed for deletion from the Pay Plan.

In Appendix B, the salary ranges for the Schedule of Salary Grades were upgraded by 3.75% with a minimum of $100 per month. Step 8 for July, 2002 reflects a rate 1% above Step 7, and Step 8 for January, 2003 reflects a rate 2% above Step 7.

In Appendices C, D and G, the salary ranges for the Medical Administrator Rates, Merit Compensation System and Broad-Band Pay Range Classes Salary Schedules were upgraded to reflect an increase of 3.75% in the minimums and the maximums of the ranges. The amount of percentage increases allowable in the Annual Merit Increase Guidechart remains the same in Section 310.540.

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

Ms. Marianne Armento
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
217/785-8609

The full text of the adopted amendment begins on the next page:
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

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<td>310.30</td>
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<td>310.40</td>
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<tr>
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<td>310.90</td>
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<td>310.100</td>
<td>Other Pay Provisions</td>
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<tr>
<td>310.110</td>
<td>Implementation of Pay Plan Changes for Fiscal Year</td>
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<tr>
<td>310.120</td>
<td>Interpretation and Application of Pay Plan</td>
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<tr>
<td>310.130</td>
<td>Effective Date</td>
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<tr>
<td>310.140</td>
<td>Reinstitution of Within Grade Salary Increases (Repealed)</td>
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<tr>
<td>310.150</td>
<td>Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)</td>
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SUBPART B: SCHEDULE OF RATES

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<th>Title</th>
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<td>Introduction</td>
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<tr>
<td>310.210</td>
<td>Prevailing Rate</td>
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<tr>
<td>310.220</td>
<td>Negotiated Rate</td>
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<tr>
<td>310.230</td>
<td>Part-Time Daily or Hourly Special Services Rate</td>
</tr>
<tr>
<td>310.240</td>
<td>Hourly Rate</td>
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<tr>
<td>310.250</td>
<td>Member, Patient and Inmate Rate</td>
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<td>310.260</td>
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<td>310.270</td>
<td>Legislated and Contracted Rate</td>
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<tr>
<td>310.280</td>
<td>Designated Rate</td>
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</table>
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310.290 Out-of-State or Foreign Service Rate
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
310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section
310.410 Jurisdiction
310.420 Objectives
310.430 Responsibilities
310.440 Merit Compensation Salary Schedule
310.450 Procedures for Determining Annual Merit Increases
310.455 Intermittent Merit Increase
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 Equivalents
310.530 Implementation
310.540 Annual Merit Increase Guidechart for Fiscal Year 2003 2002
310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A Negotiated Rates of Pay
TABLE A HR-190 (Department of Central Management Services – State of Illinois Building – SEIU)
TABLE AA NR-916 (Department of Natural Resources, Teamsters)
TABLE AB VR-007 (Plant Maintenance Engineers, Operating Engineers)
TABLE B HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
TABLE D HR-001 (Teamsters Local #726)
TABLE E RC-020 (Teamsters Local #330)
TABLE F RC-019 (Teamsters Local #25)
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TABLE G  RC-045 (Automotive Mechanics, IFPE)
TABLE H  RC-006 (Corrections Employees, AFSCME)
TABLE I  RC-009 (Institutional Employees, AFSCME)
TABLE J  RC-014 (Clerical Employees, AFSCME)
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APPENDIX B  Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2003

APPENDIX C  Medical Administrator Rates for Fiscal Year 2003 2002
APPENDIX D  Merit Compensation System Salary Schedule for Fiscal Year 2003 2002
APPENDIX E  Teaching Salary Schedule (Repealed)
APPENDIX F  Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G  Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2003 2002

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;
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SUBPART A: NARRATIVE

Section 310.110 Implementation of Pay Plan Changes for Fiscal Year 2003 2002

The rates of pay for all employees occupying positions subject to the Schedule of Salary Grades shall be as set out in Appendix B, Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2003 2002.

(Source: Amended at 26 Ill. Reg. 17374, effective November 25, 2002)

Section 310.130 Effective Date

This Pay Plan Narrative (Subpart A), Schedule of Rates (Subpart B), and Schedule of Salary Grades (Appendix B) shall be effective for Fiscal Year 2003 2002.

(Source: Amended at 26 Ill. Reg. 17374, effective November 25, 2002)

SUBPART B: SCHEDULE OF RATES

Section 310.230 Part-Time Daily or Hourly Special Services Rate

The rate of pay as approved by the Director of Central Management Services for persons employed on a consultative or part-time basis requiring irregular hours of work shall be as listed below, except the total compensation of an employee in any given month shall not exceed the monthly rate of Step 5 of the salary grade for the title as shown in the Schedule of Salary Grades (Appendix B) of this Part if the class title is subject to the Schedule of Salary Grades, or Step 5 of the negotiated salary range for classes of positions shown in Section 310.220, Subpart B,
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Schedule of Rates, or 75% of the maximum rate of those classes of positions subject to the provisions of the Merit Compensation System, Subpart C of this Pay Plan.

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<thead>
<tr>
<th>Position</th>
<th>Hourly Rate</th>
<th>Daily Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Account Technician II</td>
<td>14.10 to 19.49 (hourly)</td>
<td>106 to 146 (daily)</td>
</tr>
<tr>
<td></td>
<td>13.49 to 18.42 (hourly)</td>
<td>101 to 138 (daily)</td>
</tr>
<tr>
<td>Apiary Inspector</td>
<td>8.28 to 10.15 (hourly)</td>
<td></td>
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<tr>
<td>Building/Grounds Laborer</td>
<td>5.15 to 6.00 (hourly)</td>
<td></td>
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<tr>
<td>Building/Grounds Lead I</td>
<td>5.15 to 7.00 (hourly)</td>
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<tr>
<td>Building/Grounds Lead II</td>
<td>5.25 to 8.00 (hourly)</td>
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<tr>
<td>Building/Grounds Maintenance Worker</td>
<td>5.15 to 6.00 (hourly)</td>
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<tr>
<td>Chaplain I</td>
<td>39 to 70 (daily)</td>
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<td>Chemist I</td>
<td>39 to 45 (daily)</td>
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<td>Conservation/Historic Preservation Worker</td>
<td>5.15 to 6.50 (hourly)</td>
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<tr>
<td>Conservation/Historic Preservation Worker (2nd season – site interpretation)</td>
<td>5.15 to 6.50 (hourly)</td>
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<tr>
<td>Conservation/Historic Preservation Worker (3rd season – site interpretation)</td>
<td>5.15 to 6.50 (hourly)</td>
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<td>Dentist I</td>
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<tr>
<td>Dentist II</td>
<td>100 to 185 (daily)</td>
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<td>Educator</td>
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<tr>
<td>Educator Aide</td>
<td>39 (daily)</td>
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<tr>
<td>Guard II</td>
<td>67 to 84 (daily)</td>
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<td>Guard III</td>
<td>75 to 96 (daily)</td>
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<tr>
<td>Hearing and Speech Advanced Specialist</td>
<td>15 to 30 (hourly)</td>
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<tr>
<td>Hearings Referee</td>
<td>75 to 200 (daily)</td>
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<td>Janitor I</td>
<td>5.15 to 5.30 (hourly)</td>
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<tr>
<td>Labor Maintenance Lead Worker</td>
<td>5.15 to 6.00 (hourly)</td>
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<td>Labor Relations Investigator</td>
<td>39 to 70 (daily)</td>
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<tr>
<td>Laborer (Maintenance)</td>
<td>7.05 to 8.00 (hourly)</td>
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<tr>
<td>Maintenance Worker</td>
<td>5.15 (hourly)</td>
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<tr>
<td>Occupational Therapist Program Coordinator</td>
<td>40 to 160 (daily)</td>
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<td>Office Aide</td>
<td>10.45 to 13.46 (hourly)</td>
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<td>9.84 to 12.59 (hourly)</td>
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<td>74 to 94 (daily)</td>
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<tr>
<td>Office Assistant</td>
<td>11.56 to 15.26 (hourly)</td>
<td>87 to 114 (daily)</td>
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<td>10.95 to 14.34 (hourly)</td>
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## NOTICE OF ADOPTED AMENDMENTS

**Office Associate**
- 82 to 108 (daily)
- 12.24 to 16.42 (hourly)
- 92 to 123 (daily)
- 11.62 to 15.49 (hourly)
- 87 to 116 (daily)

**Office Clerk**
- 10.94 to 14.31 (hourly)
- 82 to 107 (daily)
- 10.32 to 13.41 (hourly)
- 77 to 101 (daily)

**Optometrist**
- 15 to 35 (hourly)
- 50 to 160 (daily)

**Physician**
- 100 to 300 (daily)

**Physician Specialist (A)**
- 20 to 60 (hourly)
- 100 to 325 (daily)

**Physician Specialist (B)**
- 20 to 70 (hourly)
- 100 to 350 (daily)

**Physician Specialist (C)**
- 20 to 105 (hourly)
- 100 to 360 (daily)

**Physician Specialist (D)**
- 20 to 115 (hourly)
- 100 to 370 (daily)

**Podiatrist**
- 50 to 125 (daily)

**Psychologist I**
- 39 to 80 (daily)

**Psychologist II**
- 40 to 125 (daily)

**Psychologist III**
- 40 to 150 (daily)

**Recreation Worker I**
- 5.33 (hourly)
- 40 to 45 (daily)

**Registered Nurse I**
- 39 to 54 (daily)

**Registered Nurse I (2nd or 3rd shift)**
- 41 to 56 (daily)

**Registered Nurse I (Cook County)**
- 43 to 58 (daily)

**Registered Nurse I (Cook County – 2nd or 3rd shift)**
- 44 to 59 (daily)

**Registered Nurse II**
- 43 to 58 (daily)

**Registered Nurse II (2nd or 3rd shift)**
- 44 to 59 (daily)

**Registered Nurse II (Cook County)**
- 45 to 60 (daily)

**Registered Nurse II (Cook County – 2nd or 3rd shift)**
- 47 to 62 (daily)

**Revenue Tax Specialist I**
- 14.10 to 19.49 (hourly)
- 106 to 146 (daily)
- 13.49 to 18.42 (hourly)
- 101 to 138 (daily)

**Social Worker II**
- 39 to 75 (daily)

**Social Worker III**
- 39 to 80 (daily)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Student Worker 5.15 to 8.00 (hourly)
Technical Advisor II 32 to 35 (hourly)
Technical Advisor III 32 to 60 (hourly)
Veterinarian II 95 to 130 (daily)

(Source: Amended at 26 Ill. Reg. 17374, effective November 25, 2002)

Section 310.290 Out-of-State or Foreign Service Rate

The rate of pay for employees occupying positions which require payment in accordance with the economic conditions and social legislation of another state or foreign country. An adjustment may be made to the salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. The Director of the Department of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

<table>
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<tr>
<th>Title</th>
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<tr>
<td></td>
<td>2003</td>
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<tr>
<td>Executive II</td>
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<td>(States Other Than California and New Jersey)</td>
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<td>(CA, NJ)</td>
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<td>Foreign Service Economic Development Executive I</td>
<td>3848-7082</td>
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<td>Foreign Service Economic Development Executive II</td>
<td>4929-9283</td>
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<td>Foreign Service Economic Development Representative</td>
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<td>Office Administrator IV</td>
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<td>(CA, NJ)</td>
<td>2906-5032</td>
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<tr>
<td>Office Assistant (Foreign Service)</td>
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<tr>
<td>(States Other Than California and New Jersey)</td>
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<td>(CA, NJ)</td>
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<tr>
<td>Office Coordinator</td>
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# NOTICE OF ADOPTED AMENDMENTS

**Public Service Administrator**

(State Other Than California and New Jersey)  | 2370-3199 2255-3054  
(CA, NJ)  | 2679-3617 2249-3449

**Revenue Auditor I**

(State Other Than California and New Jersey)  | 3105-4480 2990-4277  
(CA, NJ)  | 3510-5065 3380-4835

**Revenue Auditor II**

(State Other Than California and New Jersey)  | 3587-5295 3457-5054  
(CA, NJ)  | 4055-5985 3908-5714

**Revenue Auditor III**

(State Other Than California and New Jersey)  | 4226-6301 3854-5626  
(CA, NJ)  | 4778-7123 4356-6417

**Revenue Auditor Trainee**

(State Other Than California and New Jersey)  | 2645-3657 2530-3490  
(CA, NJ)  | 2990-4134 2860-3946

**Revenue Tax Specialist I**

(State Other Than California and New Jersey)  | 2645-3657 2530-3490  
(CA, NJ)  | 2990-4134 2860-3946

**Revenue Tax Specialist II**

(State Other Than California and New Jersey)  | 2861-4047 2746-3862  
(CA, NJ)  | 3234-4575 4104-4365

**Revenue Tax Specialist Trainee**

(State Other Than California and New Jersey)  | 2448-3335 2333-3182  
(CA, NJ)  | 2768-3770 2638-3597

**Senior Public Service Administrator**

(State Other Than California and New Jersey)  | 4750-11161 4578-10757  
(CA, NJ)  | 5369-12617 5475-42160

(Source: Amended at 26 Ill. Reg. 17374, effective November 25, 2002)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.490 Other Pay Provisions

a) Transfer – Upon assignment of an employee to a vacant position in a class with the same salary range as the class for the position being vacated, the employee's base salary will not be changed. Upon separation and subsequent appointment to a position in the same salary range, no increase in salary will be given.

b) Entrance Salary – Normally upon entry to state service, an employee's base salary will be at the minimum salary of the salary range.

1) Qualifications above Minimum Requirements –

A) If a candidate possesses directly related training and experience in excess of the minimum requirements of the class specification, the employing agency may grant an entrance salary up to the midpoint of the first half of the salary range; however, this shall not provide more than a 10% increase over the candidate's current salary. Such qualifications above the minimum requirements must possess documented support for higher than the minimum entrance salary.

B) An entrance salary above the middle of the first half of the salary range must have prior approval of the Director of Central Management Services. This approval will be based on consideration of the candidate's training and experience exceeding the requirements of the class, prior salary history, particular staffing requirements of an agency, and labor market influence on recruitment needs.

2) Area Differential – For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which such positions are established, a higher entrance salary may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate of pay shall be advanced to the new rate.

3) Upon the geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment, effective the first day of the month following the date of assignment.

c) Differential and Overtime Pay – An eligible employee may have an amount added to the base salary for a given pay period for work performed which is in excess of the normal requirements for the position and work schedule, as follows:
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Shift Differential Pay – An employee may be paid an amount in addition to the base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

2) Overtime Pay – The Director of the Department of Central Management Services shall maintain a listing of classes of positions subject to the provisions of the Merit Compensation System who are eligible for overtime compensation. Classes in salary ranges MC 6 and below are eligible for straight-time overtime unless exceptions are determined by the Director of Central Management Services or federal guidelines. Classes above MC 6 may be added to the list when requested by an agency and approved by the Director of Central Management Services in consideration of need of the agency and relationship to eligible titles. Employees in these classes of positions who are assigned and perform work in excess of the normal work schedule as established by the agency shall be compensated at a straight-time rate on either a cash or compensatory time-off basis for all hours worked in excess of a normal work week. Overtime in less than one-half hour increments per day shall not be accrued. If compensatory time is not liquidated within the fiscal year during which it is accrued, it must be liquidated at the end of the fiscal year in cash at the employee's rate of pay in effect at the time of liquidation. Classes in MC 7 and above are not eligible for overtime unless required by federal regulation or approved by the Director of Central Management Services. Any exception to the above provisions for overtime compensation shall be approved by the Director of the Department of Central Management Services. Such exceptions must be requested by the employing agency and will be determined on the basis of the special nature of the situation, a substantial need to provide overtime compensation and a significant number of hours worked beyond the normal work schedule, and will be granted only for a specified time period for which the special situation is expected to exist.

d) Part-Time Work – Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily rate basis which will be computed from annual rates of salary and the total number of work days in the year.

e) Out-of-State Assignment – Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.

f) Lump Sum Payment – Shall be provided for accrued vacation, sick leave* and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum payments cannot be given in these transactions. Methods of computation are explained in Section 310.520(a) of the Merit Compensation System.

AGENCY NOTE: The method to be used in computing lump sum payment for vacation, sick leave* and unused compensatory overtime for an incumbent entitled to shift differential during the regular work hours will be to use the current base salary plus the shift differential pay.

*Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of sick days earned and retained during that time period.

g) Salary Treatment upon Return from Leave – An employee returning from Military Leave, Peace Corps Leave, Vista Leave, Service-Connected Disability Leave, Leave to accept a Temporary, Emergency, Provisional, Exempt or Trainee position, or Education Leave will have his/her salary established as determined appropriate by the employing agency and approved by the Director of Central Management Services. However, in no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range. Creditable service date will be maintained. An employee returning to his/her former salary range from any other leave of over fourteen days will be placed at the salary which the employee received prior to the leave and the creditable service date will be extended by the duration of the leave.

h) Employees in classes which are made subject to the Merit Compensation System after July 1, 1979, will retain their current salary, except that in no event is the resultant salary to be lower than the minimum rate or higher than the maximum rate of the new salary range.

i) Extra Duty Pay – An employee may be paid an amount in addition to the base salary for services in addition to the regular work schedule on a special assignment. Additional compensation will be at a rate and manner as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after
considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

j) Salary Treatment Upon Reemployment –
   1) Upon the reemployment of an employee in a class with the same salary range as the class for the position held before layoff, the employee will be placed at the same salary as held at the time of the layoff, and his creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
   2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the same salary as held at the time of layoff, except that if this exceeds the maximum of the new range, the employee will be placed at that maximum salary. The creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

k) Reinstatement – The salary upon reinstatement of an employee will be as determined by the employing agency and approved by the Director of Central Management Services. This salary should not provide more than a 10% increase over the candidate's current salary, or exceed the salary rate held in the position where previously certified. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.

l) Bilingual Pay – Effective July 1, 2000, individual positions whose job descriptions require the use of sign language, a second language or Braille shall receive 5% or $100 per month, whichever is greater, in addition to the employee's base rate.

m) Clothing or Equipment Allowance – An employee may be paid an amount in addition to his/her base salary to compensate for clothing or equipment which is required in the performance of assigned duties. The amount will be determined by the Director of the employing agency, and will require approval of the Director of the Department of Central Management Services. The Director of the Department of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.

(Source: Amended at 26 Ill. Reg. 17374, effective November 25, 2002)

Section 310.510 Conversion of Base Salary to Pay Period Units (Repealed)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

For purposes of converting a base salary to an amount applicable for one pay period, the following methods of computation shall apply:

a) An annual base salary shall be divided by the number of pay periods in one assigned year.
b) A monthly base salary shall be divided by two on a semi-monthly payment schedule, or shall be multiplied by twelve and the results divided by the number of pay periods in a work year on a payment schedule other than semi-monthly.
c) A weekly base salary shall be multiplied by 52 and the result divided by the number of pay periods in a work year.
d) A daily base salary shall be multiplied by the number of days actually worked in a pay period.
e) An hourly base salary shall be multiplied by the number of hours actually worked in a pay period.

(Source: Repealed at 26 Ill. Reg. 17374, effective November 25, 2002)

Section 310.530 Implementation

a) The salary schedule for the Merit Compensation System for Fiscal Year 2003 will continue as set forth in Appendix D of the Pay Plan.
b) The Merit Increase Guidechart for Fiscal Year 2003 as set forth in Section 310.540 of the Pay Plan.

(Source: Amended at 26 Ill. Reg. 17374, effective November 25, 2002)

Section 310.540 Annual Merit Increase Guidechart for Fiscal Year 2003

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<th>Category</th>
<th>Definition</th>
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<td>Category 1</td>
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<td>Category 2</td>
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<td>Category 3</td>
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<td>Category 4</td>
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</table>

(Source: Amended at 26 Ill. Reg. 17374, effective November 25, 2002)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 310.APPENDIX A  Negotiated Rates of Pay

Section 310.TABLE AA  NR-916 (Department of Natural Resources, Teamsters)

<table>
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<tr>
<th>Position</th>
<th>Minimum Salary</th>
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(Source: Amended at 26 Ill. Reg. 17374, effective November 25, 2002)

Effective: July 1, 2002
Effective: January 16, 2001
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 310.APPENDIX A  Negotiated Rates of Pay

Section 310.TABLE AB  VR-007 (Plant Maintenance Engineers, Operating Engineers)

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<tr>
<th>Title</th>
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<td>Plant Maintenance Engineer II</td>
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(Source: Amended at 26 Ill. Reg. 17374, effective November 25, 2002)
## NOTICE OF ADOPTED AMENDMENTS

### Section 310. APPENDIX B  Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2003

<table>
<thead>
<tr>
<th>Salary Grade</th>
<th>Step 1c</th>
<th>Step 1b</th>
<th>Step 1a</th>
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### NOTICE OF ADOPTED AMENDMENTS

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**DEPARTMENT OF CENTRAL MANAGEMENT SERVICES**
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Schedule of Salary Grades (Alternative Retirement Formula only)
– Monthly Rates of Pay for Fiscal Year 2003

| Salary Grade | Step 1a | Step 1b | Step 1c | Step 2a | Step 2b | Step 2c | Step 3a | Step 3b | Step 3c | Step 4a | Step 4b | Step 4c | Step 5a | Step 5b | Step 5c | Step 6a | Step 6b | Step 6c | Step 7a | Step 7b | Step 7c | Step 8a | Step 8b | Step 8c | Step 9a | Step 9b | Step 9c | Step 10a | Step 10b | Step 10c | Step 11a | Step 11b | Step 11c |
|--------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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For Fiscal Year 2003

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### NOTICE OF ADOPTED AMENDMENTS

**Monthly Rates of Pay for Fiscal Year 2002**

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**Maximum Security Institutions Schedule**

Effective July 1, 2002

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(Source: Amended at 26 Ill. Reg. 17374, effective November 25, 2002)
## Medical Administrator Rates for Fiscal Year 2003

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The rates of pay for physicians occupying or appointed to a position in the Medical Administrator classes shall be as listed in the above schedule. All provisions of Subpart C of the Pay Plan, Merit Compensation System will apply to the Medical Administrator positions.

(Source: Amended at 26 Ill. Reg. 17374, effective November 25, 2002)
Section 310. APPENDIX D  Merit Compensation System Salary Schedule for Fiscal Year

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(Source: Amended at 26 Ill. Reg. 17374, effective November 25, 2002)
### Section 310. APPENDIX G  Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2003-2002

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</tr>
</tbody>
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(Source: Amended at 26 Ill. Reg. 17374, effective November 25, 2002)
ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part**: Riverboat Gambling

2) **Code Citation**: 86 Ill. Adm. Code 3000

3) **Section Number**: 3000.1071

   **Adopted Action**: Adopted

4) **Statutory Authority**: Riverboat Gambling Act [230 ILCS 10]

5) **Effective Date of Amendment**: November 21, 2002

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this proposed amendment contain incorporations by reference?** No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in agency's principal office and is available for public inspection

9) **Notice of Proposal Published in Illinois Register**: July 12, 2002; 26 Ill. Reg. 10171

10) **Has JCAR issued a Statement of Objection to this amendment?** No

11) **Differences between proposal and final version**: None except for non-substantive technical changes.

12) **Have all of the changed agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?** Yes

13) **Will this adopted amendment replace any emergency amendments currently in effect?** Yes. Emergency amendments were adopted at 26 Ill. Reg. 10984, July 12, 2002, effective July 1, 2002 for no more than 150 days.

14) **Are there any amendments pending on this Part?** No

15) **Summary and Purpose of Amendment**: On June 2, 2002, the General Assembly passed House Bill 2381, which became Public Act 92-595 upon approval by the Governor on June 28, 2002. Among its numerous provisions, Section 13 of the Riverboat Gambling Act, 230 ILCS 10/13 amended the tax rate and admission tax paid by riverboat gaming
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operations to the State of Illinois. These amendments implement those changes, thereby allowing the collection of taxes at the correct rates.

16) Information and questions regarding this adopted amendment should be directed to:

Jeannette P. Tamayo
Deputy Chief Counsel
Illinois Gaming Board
160 N. LaSalle, Suite 300-S
Chicago, Illinois 60601
(312)814-4641
FAX (312)814-8798

The full text of the adopted amendment begins on the next page:
ILLINOIS GAMING BOARD

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TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARD

PART 3000
RIVERBOAT GAMBLING

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3000.250 Transferability of Licenses
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3000.280 Registration of All Gaming Devices
3000.281 Transfer of Registration (Repealed)
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3000.283 Analysis of Questioned Electronic Gaming Devices (Repealed)
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ILLINOIS GAMING BOARD

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3000.405 Requests for Hearings
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3000.600 Wagering Only with Approved Chips, Tokens and Electronic Cards
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3000.625 Chip Specifications
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3000.655 Destruction of Chips and Tokens
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ILLINOIS GAMING BOARD

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3000.1000 Ownership Records
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3000.1030 Annual and Special Audits and Other Reporting Requirements
3000.1040 Accounting Controls Within the Cashier's Cage
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3000.1071 Admission Tax and Wagering Tax
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3000.1105 Duty to Maintain Suitability
3000.1110 Board Action Against License or Licensee
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3000.1139 Subpoena of Witnesses
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3000.1150 Sanctions and Penalties
3000.1155 Transmittal of Record and Recommendation to the Board
ILLINOIS GAMING BOARD

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AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10]


SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

Section 3000.1071 Admission Tax and Wagering Tax

a) Each holder of an Owner's license ("licensee") is subject to tax liability assessment for each Gaming Day for the Admission Tax and the Wagering Tax imposed under the Act.

b) Admission and Wagering Taxes shall be paid via an electronic funds transfer system employing an Automated Clearinghouse Debit method (ACH-Debit). Each licensee shall maintain an account with sufficient funds to pay, in a timely fashion, all tax liabilities due under the Act. The account shall be maintained at a financial institution capable of making payments to the State under the electronic funds transfer requirements imposed by the State.

c) Admission and Wagering Tax liability shall be established on the basis of a Gaming Day. Each licensee shall select, with the approval of the Administrator, a 24 hour cycle to be defined as the uniform Gaming Day for that licensee. A Gaming Day may begin on one calendar day and end the next calendar day,
ILLINOIS GAMING BOARD

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provided that the Gaming Day does not extend beyond the uniform 24 hour period selected in advance by the licensee.

d) The Administrator shall prescribe and make available to each licensee forms, instructions and reporting requirements for Admission and Wagering Taxes. The required forms include the Daily Tax Schedules. The Daily Tax Schedules may be provided by the Administrator to licensees in computer-based format and include a computer program that, upon input by the licensee of requisite data, provides for the calculation of tax reporting information and tax liability. Daily Tax Schedules shall be completed for each Gaming Day. The monthly float adjustment shall be completed on the Daily Tax Schedule for the final Gaming Day of each month.

e) The Daily Tax Schedules must be filed with the Board no later than 12:00 noon on the Due Date. Admission and Wagering Tax payments shall be transferred electronically on the Due Date to the Board's designated financial institution by the end of that financial institution's business day. For purposes of tax schedules and tax payments, the Due Date shall be defined as one bank business day after the close of the Gaming Day for which the liability is established. For example, if the Gaming Day of a licensee ends at 2:00 a.m. on a Tuesday (i.e., the end of a Gaming Day that began on Monday), the Due Date is the Wednesday which follows, unless that Wednesday is not a bank business day, in which case the subsequent bank business day is the Due Date.

f) The Admission Tax for a Gaming Day shall be calculated and imposed as provided in Section 12 of the Act. The admission tax is imposed at a rate of $2 per person admitted. Beginning July 1, 2002, the rate is $3 per person admitted. This admission tax is imposed upon the licensed owner conducting gambling. The admission tax shall be paid for each admission. [230 ILCS 10/12(a)]

g) For any Gaming Day that commences after December 31, 1997 and ends on July 1, 2002, the Wagering Tax imposed on the licensee shall be based on each calendar year's accumulated Adjusted Gross Receipts and calculated at the following graduated rates:

1) 15% of the calendar year Adjusted Gross Receipts up to and including $25,000,000;
2) 20% of the calendar year Adjusted Gross Receipts in excess of $25,000,000 but not exceeding $50,000,000;
3) 25% of the calendar year Adjusted Gross Receipts in excess of $50,000,000 but not exceeding $75,000,000;
4) 30% of the calendar year Adjusted Gross Receipts in excess of $75,000,000 but not exceeding $100,000,000; and
5) 35% of the calendar year Adjusted Gross Receipts in excess of
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$100,000,000.

h) For any Gaming Day that commences on or after July 1, 2002, the Wagering Tax imposed on the licensee shall be based on each calendar year’s accumulated Adjusted Gross Receipts and calculated at the following graduated rates:

1) 15% of the calendar year Adjusted Gross Receipts up to and including $25,000,000;

2) 22.5% of the calendar year Adjusted Gross Receipts in excess of $25,000,000 but not exceeding $50,000,000;

3) 27.5% of the calendar year Adjusted Gross Receipts in excess of $50,000,000 but not exceeding $75,000,000;

4) 32.5% of the calendar year Adjusted Gross Receipts in excess of $75,000,000 but not exceeding $100,000,000;

5) 37.5% of the calendar year Adjusted Gross Receipts in excess of $100,000,000 but not exceeding $150,000,000;

6) 45% of the calendar year Adjusted Gross Receipts in excess of $150,000,000 but not exceeding $200,000,000; and

7) 50% of the calendar year Adjusted Gross Receipts in excess of $200,000,000.

i) Daily Tax Schedules shall include all information necessary for adjustments and reconciliation of tax liability and shall be subject to audit by the Board and its audit agents. Adjustments to previously reported tax information shall be made by the licensee, except that no adjustment of $25,000 or more shall be made to previously reported Adjusted Gross Receipts without the prior written approval of the Administrator or the Administrator’s designee.

j) Any adjustment for a Gaming Day which commenced on or before December 31, 1997, shall be authorized by the Administrator or the Administrator’s designee, and shall be taxed at a rate of 20% of Adjusted Gross Receipts. Any adjustment for a Gaming Day that commences after December 31, 1997, shall be taxed at the graduated tax rate applicable to the Gaming Day upon which the adjustment is effected.

k) In the event that a Daily Tax Schedule for a specific Gaming Day properly reflects a net wagering loss experienced by the licensee, an adjustment for the amount of any remaining net wagering loss (negative Adjusted Gross Receipts) shall be carried forward on the subsequent Daily Tax Schedules until such loss is offset by Gaming win (positive Adjusted Gross Receipts).

l) All Admission Taxes and Wagering Taxes paid pursuant to the requirements of the Act shall be deposited by the Board into the State Gaming Fund. The Board shall from time to time transfer excess funds in the State Gaming Fund to the
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Education Assistance Fund. The Board shall determine the amount of excess funds subject to transfer based upon the difference between the State Gaming Fund balance and the outstanding obligations, including any outstanding share of Admission and Wagering Taxes due to local governments, the Horse Racing Equity Fund, a home rule county with a population over 3,000,000, and the Universities Athletic Capital Improvement Fund. The Administrator will be responsible for calculating the allocation of the Admission and Wagering Taxes between the State and the unit of local government designated as the home dock of the Riverboat and other required allocations. Payments for Admission Taxes shall be made by the Board to units of local government quarterly, and payments for Wagering Taxes and all other payments shall be made monthly, by voucher/warrant, subject to appropriation.

A licensee's failure to comply with the provisions of this Section may subject the licensee to penalty and interest amounts pursuant to the Uniform Penalty and Interest Act [35 ILCS 735]. The Administrator is authorized to waive any penalty and interest for the late filing of a tax schedule or late tax payment, if the licensee can show good cause. "Good cause" shall include, but not be limited to, detection and correction of a deficiency in filing or payment that resulted from a documented inadvertent or unintentional error that was corrected within one business day after of the applicable Due Date. The licensee shall be notified by the Administrator in writing of any penalty or interest payable because of a late tax schedule filing or late tax payment. The licensee may, within 10 business days after receiving the notice, file a written request for a waiver with the Administrator. The Administrator shall act on the request for waiver and notify the licensee in writing of the decision within 15 calendar days after receiving the request. If the Administrator fails to act within the 15 day period the waiver is deemed granted. If the Administrator denies the request for waiver the licensee may ask the Board for a hearing. The request for hearing must be in writing and filed not later than 15 calendar days after receipt of the notice of denial. Except as provided in this subsection (m), the provisions for hearings under Subpart D shall apply to any hearing conducted under this Section. A hearing under this Section is not a disciplinary hearing under Subpart K of this Part.

(Source: Amended at 26 Ill. Reg. 17408, effective November 21, 2002)
ILLINOIS RACING BOARD

NOTICE OF EMERGENCY RULES

1) **Heading of the Part**: Procedures for Intertrack License Hearings

2) **Code Citation**: 11 Ill. Adm. Code 207

3) **Section Numbers**: Proposed Action:
   - 207.10 Amend
   - 207.20 Amend
   - 207.30 Amend
   - 207.40 Amend
   - 207.50 Amend
   - 207.60 Amend
   - 207.70 Amend
   - 207.80 Amend
   - 207.90 Amend
   - 207.100 Amend
   - 207.110 Amend
   - 207.120 Amend
   - 207.130 Amend
   - 207.140 Amend

4) **Statutory Authority**: 230 ILCS 5/9(b)

5) **Effective date of rules**: November 29, 2002

6) **If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire**: None

7) **Date filed with the Index Department**: November 19, 2002.

8) **A copy of the emergency rules, including any material incorporated by reference, is on file in the agency’s principal office and is available for public inspection**: Yes

9) **Reason for the emergency**: Competing racetracks have submitted intertrack wagering location license applications (off-track wagering) for 2003 for identical existing facilities. The Board intends to conduct a hearing but the Board’s rules do not provide procedures governing the conduct of a licensing hearing.

10) **A complete description of the subjects and issues involved**: National Jockey Club (NJC) has submitted applications for 2003 for their OTB facilities in Peru, Joliet, Crestwood and Mokena. Maywood Park has submitted an application to operate the OTB facilities in Crestwood, Mokena and Joliet. Balmoral Park has submitted an application to operate
the OTB facility in Peru. Maywood and Balmoral claim that NJC is ineligible to operate OTB facilities under the Illinois Horse Racing Act. The Board has prepared a hearing schedule, but the Board’s administrative rules currently do not provide procedures governing the conduct of a licensing hearing for intertrack wagering and OTB licenses. Proposed rule 207 provides procedures to govern a licensing hearing with respect to intertrack wagering and intertrack wagering location facilities.

11) Are there any other proposed amendments pending in this Part?  No.

12) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

13) Information and questions regarding this emergency rules shall be directed to:

   Illinois Racing Board
   Mickey Ezzo
   100 West Randolph, Ste. 11-100
   Chicago, Illinois  60601

The full text of the emergency rules begins on the next page:
ILLINOIS RACING BOARD

NOTICE OF EMERGENCY RULES

TITLE 11:  ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B:  HORSE RACING

CHAPTER I:  ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 207
PROCEDURES FOR INTERTRACK LICENSE HEARINGS

Section
207.10  Purpose
207.20  Notice
207.30  Filing of Applications
207.40  Use of Applications
207.50  Filing of Evidence Supporting Application
207.60  Parties
207.70  Service of Application and Evidence Supporting Application
207.80  Pre-Hearing Conference
207.90  Filing of Responsive Evidence and Motions
207.100  Licensing Hearing
207.110  Disqualification of Hearing Officer
207.120  Ex Parte Communications
207.130  Applicability of Part 204
207.140  Notice to and Acceptance by Applicants

AUTHORITY:  Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE:  Added by emergency rulemaking at 26 Ill. Reg. 17419, effective November 19, 2002, for a maximum of 150 days.

Section 207.10  Purpose

The purpose of this Part is to provide procedures to govern the allocation and renewal of intertrack wagering licenses and intertrack wagering location licenses (the “Licensing Hearing”) provided for in Section 26 of the Illinois Horse Racing Act (the "Act") [230 ILCS 5/26] supplemental to those provided for in 11 Ill. Adm. Code 204. This Part implements the provisions of the Act and the Illinois Administrative Procedure Act (the "IAPA") [5 ILCS 100] and should be construed to give effect to, and not to limit, the rights of the IAPA, including the IAPA's provisions applicable in contested cases such as the Licensing Hearing. (See IAPA, Section 10-65.)
Section 207.20  Notice

At least 21 days prior to the Licensing Hearing, the Board shall provide all current licensees and any other person who has requested an application for an intertrack or intertrack wagering location license with notice of the Licensing Hearing, including:

a) a statement of the legal authority and jurisdiction under which the Licensing Hearing is to be held;
b) a reference to the particular Sections of the substantive and procedural statutes involved;
c) a short and plain statement of the matters at issue and the consequences of a failure to participate in the Licensing Hearing; and
d) the name and address of any hearing officer the Board may appoint, or a statement that the members of the Board themselves intend to preside as Hearing Officers at the Licensing Hearing.

This notice shall be made public and shall also be posted in accordance with the rules governing the posting of agendas for Board meetings.

Section 207.30  Filing of Applications

Applications for an intertrack license or intertrack wagering location license in Illinois pursuant to the Act shall be filed at the office of the Board no later than 3:00 p.m. on October 31 (or if October 31 is not a business day, the next business day) of the year prior to the year in which the meet is sought. Each applicant shall file 15 copies of the application with the Board.

Section 207.40  Use of Applications

Applications shall state with particularity the type of license sought to be awarded or renewed. Requests for licenses may be made in the alternative. Applications are admissible into evidence as proof of what an applicant seeks or as admissions of parties, according to the rules of evidence.

Section 207.50  Filing of Evidence Supporting Application

Each applicant for an intertrack license or intertrack wagering location license shall file, by a date established by the Board, 15 copies of the following:

a) pre-filed written testimony in the form of an affidavit or affidavits (or pursuant to certificate as provided in Section 1-109 of the Illinois Code of Civil Procedure), and in question and answer format, supporting its application. Except as stipulated by the parties, this written testimony, together with any exhibits referred to in the testimony, shall constitute the applicant's case-in-chief at the
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Licensing Hearing. The written testimony shall conform to the provisions of Illinois Supreme Court Rule 191(a) applicable to affidavits offered in support of, or in opposition to, motions for summary judgment; and

b) all exhibits referred to in the application or pre-filed written testimony.

Section 207.60  Parties

Parties to the Licensing Hearing consist of persons who have filed an application for an intertrack license or intertrack wagering location license. In addition, pursuant to Section 16(e) of the Act, the Attorney General of the State of Illinois may participate as a party, at the request of the Board, in order to protect public rights and enforce public duties arising in the Licensing Hearing. No other person may intervene or participate in the Licensing Hearing before the Board or its duly appointed Hearing Officer, except that this provision shall not be construed to prohibit the Hearing Officer from taking official notice of staff data or memoranda pursuant to Section 10-40 of the Illinois Administrative Procedure Act [5 ILCS 100/10-40]. This Section shall not prohibit representatives of any organization, including one representing horsemen, from providing evidence of its membership's position on any application through written testimony, sponsored by a party, as provided for in this Part. In the event an organization wishes to provide evidence of its membership's position on any application and can find no party to sponsor it as a witness, the organization may apply to the Hearing Officer for permission to provide written testimony subject to cross-examination as provided in this Part. The Hearing Officer shall allow such testimony, subject to the evidentiary rules set forth in this Part, upon a showing that, despite reasonable efforts by the organization, no party would sponsor the testimony of the organization. Permission to an organization to provide testimony under this Section shall not make that organization a party or confer any of the rights of a party on that organization.

Section 207.70  Service of Application and Evidence Supporting Application

By 3:00 p.m. on a date established by the Board, each applicant shall serve a complete copy of its application and all supporting written testimony and exhibits on all persons who had applied for an intertrack license or intertrack wagering location license the previous year, and on any other party who has filed an application in the current year. The Board shall notify all parties of the name and address of any other party filing an application for an intertrack license or intertrack wagering location license, and all applicants shall serve a copy of the application and all supporting written testimony and exhibits on all such additional parties by messenger or overnight delivery on this same day.

Section 207.80  Pre-Hearing Conference

At least 14 days prior to the Licensing Hearing, a pre-hearing conference shall be conducted by the Board. During this pre-hearing conference, the parties and the Hearing Officer shall address
ILLINOIS RACING BOARD

NOTICE OF EMERGENCY RULES

preliminary matters, including discussing stipulations required under 11 Ill. Adm. Code 204.100, the likely number of witnesses or exhibits preliminarily anticipated by any party, and any other matters designed to facilitate expeditious conduct of the Licensing Hearing. The pre-hearing conference may be adjourned and continued to a date selected by the Hearing Officer between the date applications must be filed and the date the Licensing Hearing shall commence. At the adjourned pre-hearing conference, the parties and the Hearing Officer may address further stipulations intended to simplify evidentiary matters. Pre-hearing conferences under this Section shall be open to the public, notice thereof shall be given in the same manner as notice is given of meetings of the Board, and a transcript shall be kept, which transcript shall become a part of the record in the proceeding.

Section 207.90  Filing of Responsive Evidence and Motions

By 3:00 p.m. on a date established by the Board, any party may file with the Board fifteen copies (15), and simultaneously serve on all other parties to the Licensing Hearing one copy of pre-filed written testimony and exhibits responding to the application, supporting evidence, or exhibits filed by any other party. The responsive testimony and exhibits shall be in the same form as required for evidentiary materials submitted in support of an application. Any motion to strike or limit any pre-filed supporting testimony or exhibits filed by another party, as well as any responsive testimony and exhibits, shall be filed with the Board and served by messenger or overnight delivery on all other parties on this same day.

Section 207.100  Licensing Hearing

a) The Licensing Hearing shall commence on a date established by the Board.

b) At the request of any party, the members of the Board or Hearing Officer presiding over the Licensing Hearing shall decide all evidentiary objections raised at the Licensing Hearing, subject to de novo review by the Board of the ruling of any Hearing Officer the Board may appoint. Any evidence ruled inadmissible may be submitted as an offer of proof.

c) Each party shall, in alphabetical order, offer into evidence the pre-filed written testimony and exhibits of each witness whose testimony it has filed in support of its application. Each such witness will then be subject to oral, cross and redirect examination by all parties according to the rules of evidence applicable for cross and redirect examination in the Circuit Court of Cook County, Illinois for non-jury trials and as provided in Section 10-40 of the Illinois Administrative Procedure Act [5 ILCS 10/10-40]. Thereafter, each party shall, in the same order, offer into evidence the pre-filed written testimony and exhibits of each witness whose written testimony and exhibits it has filed in response to another party's application or supporting evidence. Each such witness will then be subject to oral, cross and redirect examination by all parties according to the rules of
evidence applicable for cross and redirect examination in the Circuit Court of Cook County, Illinois for non-jury trials and as provided in Section 10-40 of the Illinois Administrative Procedure Act [5 ILCS 100/10-40].

d) The Board or Hearing Officer may place reasonable time limits on all cross examination at the Licensing Hearing.

Section 207.110  Disqualification of Hearing Officer

a) Whenever any party believes a Hearing Officer or any Board Member should be disqualified for bias, prejudice, conflict of interest or any other reason, from conducting, or continuing to conduct, a Licensing Hearing, such party may file with the Board a motion to disqualify the Hearing Officer or Board Member, setting forth the alleged grounds for disqualification. A party filing such a motion shall also serve a copy of the motion on the Hearing Officer and the Board by messenger or overnight delivery. The Board shall enter a written ruling on the motion within 3 days after the date on which the motion is filed.

b) A Hearing Officer may recuse himself or herself from presiding at a Licensing Hearing.

Section 207.120  Ex Parte Communications

This rule expressly adopts the applicable provisions of the IAPA, Section 10-60, regarding ex parte communications. Section 10-60 includes provisions that:

a) After notice has been given of a hearing in a contested case such as the Licensing Hearing, agency heads, agency employees and Hearing Officers shall not communicate, directly or indirectly, in connection with any other issue with any party or the representative of any party, except upon notice and opportunity for all parties to participate.

b) a Board Member may, however, communicate with other members of the Board, and a Board Member or Hearing Officer may have the advice of one or more "personal assistants". To avoid any appearance of impropriety, however, the Board or the Hearing Officer shall utilize personal assistants who have no other involvement or participation in the Licensing Hearing. For purposes of this Section, a personal assistant shall not be deemed to be subject to a disqualifying involvement or participation in the Licensing Hearing if the "personal assistant" has observed the proceedings, reviewed testimony or exhibits for the purpose of advising a Board Member or the Hearing Officer.

Section 207.130  Applicability of Part 204
ILLINOIS RACING BOARD

NOTICE OF EMERGENCY RULES

Except as stated herein, or as inconsistent with this Part, the provisions of 11 Ill. Adm. Code 204.40 through 204.110, 204.130, and 204.140 shall apply to Licensing Hearings.

Section 207.140  Notice to and Acceptance by Applicants

The Board shall, within 5 days after the date its formal order is executed:

a) Send each applicant a copy of that executed order awarding intertrack licenses and intertrack wagering location licenses by certified mail, return receipt requested, addressed to the applicant at the address stated in its application;

b) Issue letters of acceptance to successful applicants for intertrack licenses and intertrack wagering location licenses no later than five days after the date of execution of its formal order. Each applicant shall submit signed acceptance letters to the Board by certified mail, return receipt requested, or by personal delivery at the central office of the Board. Applicants shall furnish signed acceptance letters, together with required fees, to the Board no later than 10 days after receipt of the Board's executed dates order. Acceptance letters, mailed or delivered, shall be received at the central office of the Board on or before the expiration of the 10 day limit.
DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY AMENDMENTS

1) **Heading of the Part:** Firearm Transfer Inquiry Program

2) **Code Citation:** 20 Ill. Adm. Code 1235

3) **Section Numbers:**
   - 1235.80 Amendment
   - 1235.120 Amendment
   - 1235.130 Amendment

4) **Statutory Authority:** Implementing and authorized by Section 3 and Section 3.1 of the Firearm Owner’s Identification Card Act [430 ILCS 65/3 and 65/3.1] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

5) **Effective Date of Amendments:** December 1, 2002

6) **If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire:** These amendments will not expire before the end of the 150-day period.

7) **Date Filed with the Index Department:** November 22, 2002

8) **A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency’s principal office and is available for public inspection.**

9) **Reason for Emergency:** A new billing procedure for the Firearm Transfer Inquiry Program (FTIP) is being implemented due to a change made by the telephone company that previously provided the service. The cost to the firearms dealer will remain the same. However, the billing process and telephone number which they use for future FTIP transactions will change.

10) **A Complete Description of the Subjects and Issues Involved:** These amendments will update the billing process and telephone number changes associated with the Firearm Transfer Inquiry Program.

11) **Are there any proposed amendments to this Part pending?** No

12) **Statement of Statewide Policy Objective:** These rules will not require a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenues.

13) **Information and questions regarding these amendments shall be directed to:**
DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY AMENDMENTS

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658

The full text of the Emergency Amendments begins on the next page:
DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1235
FIREARM TRANSFER INQUIRY PROGRAM

Section 1235.10 Purpose
1235.20 Definitions
1235.30 Federal and State Laws and Local Ordinances
1235.40 Hours of Operation
1235.50 Holidays
1235.60 Enrollment
1235.70 Inquiry Requirement
1235.80 Inquiry Procedure

EMERGENCY
1235.90 Response Procedures
1235.100 Denial Notification
1235.110 Transfer of Firearms
1235.120 Fees

EMERGENCY
1235.130 Termination of Services

EMERGENCY

AUTHORITY: Implementing and authorized by Section 3 and Section 3.1 of the Firearm Owner's Identification Card Act [430 ILCS 65/3 and 3.1] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].


Section 1235.80 Inquiry Procedure

EMERGENCY

a) The dealer will perform the inquiry by calling a toll-free telephone number provided by the Department to the dealer. This number shall be kept confidential by the dealer and only used to perform inquiries required under Section 1235.70.

b) The inquiry will consist of the permanent portion of the dealer's federal firearm
DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY AMENDMENTS

license number (the first three digits and the last five digits), the dealer number
issued by the Department, and the transferee's Firearm Owner's Identification
Card number.

c) In the event an inquiry results in a conditional denial, the dealer will provide
additional information to facilitate a return call from the Department. The
additional information shall include a description of the subject firearm(s)
sufficient to determine which delivery waiting period applies and information
concerning the dealer's business hours for inquiry response call-back purposes.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. 17427, effective December
1, 2002, for a maximum of 150 days)

Section 1235.120  Fees

The fee for inquiries shall be set by the Director; however, the fee shall be the cost to
provide the service, but shall not exceed $2.00 per inquiry as defined by State statute. The fee
shall be collected through a billing process implemented by the Department use of the 900
inquiry number.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. 17427, effective December
1, 2002, for a maximum of 150 days)

Section 1235.130  Termination of Services

a) If a dealer fails to pay the fees for the Firearm Transfer Inquiry Program
transactions 900 number service, which will be included in the dealer's normal
telephone bill, within 30 days after their due date, the Department shall notify
the dealer that failure to pay this bill will result in termination of services.

b) If a dealer fails to pay the fees for the Firearm Transfer Inquiry Program
transactions 900 number service within 60 days after their due date, the
Department shall terminate Firearm Transfer Inquiry Program services to the
dealer.

c) If a dealer fails to comply with any of the requirements of this Part, the
Department shall notify the dealer of the non-compliance. The dealer shall have
30 days from notification of non-compliance in which to respond to the
Department.

d) If a dealer fails to respond to a notice of non-compliance or if the response fails to
resolve the non-compliance to the satisfaction of the Department, the Department
shall terminate Firearm Transfer Inquiry services to the dealer.
DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY AMENDMENTS

e) If a dealer's continued access to Firearm Transfer Inquiry Program services would result in a violation of law or create a danger to the public, services may be suspended immediately.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. 17427, effective December 1, 2002, for a maximum of 150 days)
1) **Heading of the Part:** Telecommunications Excise Tax

2) **Code Citation:** 86 Ill. Adm. Code 495

3) **Register Citation to Notice of Proposed Rules:** 26 Ill. Reg. 14757, October 11, 2002

4) **Date, Time and Location of Public Hearing:**

   December 18, 2002
   1:00 p.m. to 3:00 p.m.
   State of Illinois Building
   Room N-505
   160 North LaSalle
   Chicago, Illinois

5) **Other Pertinent Information:**

   This public hearing is scheduled to invite public comment on the Department’s proposed regulations governing the taxation of private lines. The provisions of Section 2 of the Telecommunications Excise Tax Act (35 ILCS 630/2) provide three distinct methods for use in calculating the amount of gross charges for private lines that are subject to tax. Section 2 states that gross charges for private line services shall include charges imposed at each channel point within Illinois, charges for the channel mileage between each channel point within Illinois, and charges for that portion of the interstate inter-office channel provided within Illinois. The proposed rules on which comment is solicited explain methods that can be used to calculate “that portion” of the interstate inter-office channel that is provided within Illinois.

   The rules explain that the ideal method is to determine a fraction, the numerator of which is the actual measured Illinois miles of the channel and the denominator of which is the actual measured route miles of the entire channel. However, the regulation acknowledges that where it is impossible to measure actual route miles, approximations can be used, provided that the method of approximation does not distort the Illinois portion of the interstate inter-office channel by more than 10 percent. One method of approximation, the rule provides, is the use of straight-line air miles. The regulation also states that the use of a flat percentage is not appropriate if the percentage is not a reasonable approximation of the Illinois portion of the channel, but is appropriate when the telecommunications provider can demonstrate that the percentage used is a reasonable approximation of the interstate inter-office channel. Telecommunications retailers are required to maintain complete books and records and supply those records to the
DEPARTMENT OF REVENUE

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

Department for examination upon request. If the Department demonstrates that the telecommunication retailer’s approximation distorts the Illinois portion of the interstate inter-office channel by more than 10 percent, it will not be accepted.

The public hearing will be held for the sole purpose of gathering public comment on these regulations. All comments and suggestions will be given due consideration by the Department prior to the Second Notice submission of the regulations.

Persons interested in presenting testimony are advised that the Department will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.

2. Each person presenting oral testimony will be limited to 15 minutes for the presentation of such testimony.

3. No person will be recognized to speak for a second time until all persons wishing to testify have done so.

4. All testimony shall conclude at the specified time except that an individual presenting testimony at that time shall be allowed to complete his or her presentation.

6) Name and Address of Agency Contact Person: Questions regarding the public hearing on the proposed rulemaking may be directed to:

Jerilynn Troxell Gorden
Illinois Department of Revenue
Legal Services Division
101 West Jefferson, 5-500
Springfield, Illinois 62794
217.782.2844
jgorden@revenue.state.il.us
The following second notices were received by the Joint Committee on Administrative Rules during the period of November 19, 2002 through November 25, 2002 and have been scheduled for review by the Committee at its December 17, 2002 meeting in Chicago. 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.

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<td>Secretary of State, Illinois State Library, Acquisitions Division, Illinois Documents (23 Ill. Adm. Code 3020)</td>
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## JOINT COMMITTEE ON ADMINISTRATIVE RULES

### ILLINOIS GENERAL ASSEMBLY

### SECOND NOTICES RECEIVED

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<td>1/3/03 Department of Children and Family Services, Foster Parent Code (89 Ill. Adm. Code 340)</td>
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<td>9/20/02 26 Ill. Reg. 13732 12/17/02</td>
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At its meeting on November 19, 2002, the Joint Committee on Administrative Rules voted to object to the above proposed rulemaking and prohibit its filing with the Secretary of State. The Committee found that the adoption of these rules would constitute a serious threat to the public interest, safety or welfare. The reason for the prohibition is as follows:

DPA has exceeded its authority under federal law by adding restrictions for determining whether an annuity was transferred at fair market value. These additional restrictions constitute a threat to the interest and welfare of the elderly in Illinois who may be in need of medical assistance.

The proposed rule may not be filed with the Secretary of State or enforced by the Department of Public Aid for any reason for 180 days following receipt of this certification and statement by the Secretary of State.
At its meeting on November 19, 2002, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that the Secretary of State withdraw its rulemaking titled Uniform Partnership Act (14 Ill. Adm. Code 165; 26 Ill. Reg. 12598) and initiate new rulemaking after it has obtained clear statutory authority to retain a portion of funds submitted to it that exceed the amount rightfully owed to the State. While the Committee agrees that the current rule's position that no overpayments of fees will be refunded is not statutorily authorized and should be revised, the current proposal to permit, but not require, the Department, in only those cases where an overpayment is more than $50, to refund all but $50 of the overpayment would also result in the Department keeping funds it lacks the statutory authority to retain. Additionally, while the current proposal gives the Department the discretion to determine when it will grant a refund, it fails to provide standards, as required by Section 5-20 of the IAPA, governing when refunds will or will not be made, which can result in a lack of equal treatment of all the business entities served by the Department. It would be best for the agency to withdraw this rulemaking, seek statutory authority to retain all or a specified portion of overpayments, and then devise a rule outlining how and in what circumstances it will issue refunds.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.
At its meeting on November 19, 2002, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that the Secretary of State withdraw its rulemaking titled Revised Uniform Limited Partnership Act (14 Ill. Adm. Code 170; 26 Ill. Reg. 12601) and initiate new rulemaking after it has obtained clear statutory authority to retain a portion of funds submitted to it that exceed the amount rightfully owed to the State. While the Committee agrees that the current rule's position that no overpayments of fees will be refunded is not statutorily authorized and should be revised, the current proposal to permit, but not require, the Department, in only those cases where an overpayment is more than $50, to refund all but $50 of the overpayment would also result in the Department keeping funds it lacks the statutory authority to retain. Additionally, while the current proposal gives the Department the discretion to determine when it will grant a refund, it fails to provide standards, as required by Section 5-20 of the IAPA, governing when refunds will or will not be made, which can result in a lack of equal treatment of all the business entities served by the Department. It would be best for the agency to withdraw this rulemaking, seek statutory authority to retain all or a specified portion of overpayments, and then devise a rule outlining how and in what circumstances it will issue refunds.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.
At its meeting on November 19, 2002, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that the Secretary of State withdraw its rulemaking titled Limited Liability Company Act (14 Ill. Adm. Code 178 26 Ill. Reg. 12605) and initiate new rulemaking after it has obtained clear statutory authority to retain a portion of funds submitted to it that exceed the amount rightfully owed to the State. While the Committee agrees that the current rule's position that no overpayments of fees will be refunded is not statutorily authorized and should be revised, the current proposal to permit, but not require, the Department, in only those cases where an overpayment is more than $50, to refund all but $50 of the overpayment would also result in the Department keeping funds it lacks the statutory authority to retain. Additionally, while the current proposal gives the Department the discretion to determine when it will grant a refund, it fails to provide standards, as required by Section 5-20 of the IAPA, governing when refunds will or will not be made, which can result in a lack of equal treatment of all the business entities served by the Department. It would be best for the agency to withdraw this rulemaking, seek statutory authority to retain all or a specified portion of overpayments, and then devise a rule outlining how and in what circumstances it will issue refunds.

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

AGENCY RESPONSE TO JOINT COMMITTEE OBJECTION TO PROPOSED RULEMAKING

Agency: Department on Aging

Heading of the Part: Community Care Program

Code Citation: 89 Ill. Adm. Code 240

Register Citation: 26 Ill. Reg. 10076

Agency Response to Specific Joint Committee Objections: In Response to the objection of the Joint Committee on Administrative Rules, the Department asserts the following. First, the Department’s change to 89 Ill. Adm. Code 240.400(a) appeal rule was made in order to mirror identical previous changes to 89 Ill. Adm. Code 240.415 and to address the eligibility changes required by State statute and the emergency rules filed (26 Ill. Reg. 10829, July 12, 2002) in response to the FY 2003 Budget Implementation Act.

The Department is not denying Community Care Program clients the right to appeal. In fact, the Department believes that it is essential that clients maintain their right to appeal in order for the Department to have the opportunity to review the appeal and determine if the appeal is based solely on an automatic non-discretionary change or is an appeal based on a question of fact. However, when automatic, non-discretionary changes in eligibility, rates, or benefits required by Federal or State statute or regulation, arise, the Department needs the ability to implement such changes that affect some if not all clients program wide. When this happens, clients still have a right to appeal but their appeal will be automatically denied and they will not be afforded a hearing.

Further, the Department also recognizes that any changes it proposes to its administrative rules must go through the administrative rule process with the Joint Committee on Administrative Rules. The Illinois Department on Aging will adopt the amendments as submitted to JCAR at Second Notice.
1) **Heading of Part:** Merit and Fitness

2) **Code Citation:** 80 Ill Adm Code 302

3) **Section Numbers:**
   - 302.90 Objection
   - 302.150 Objection
   - 302.300 Objection
   - 302.820 Objection

4) **Notice of Proposal published in Illinois Register:** 26 Ill. Reg. 10084 - 7/12/02

5) **Date JCAR issued Statement of Objection:** 9/10/02

6) **Summary of Action taken by the Agency:** Refusal

7) **JCAR Action:** At its 9/10/02 meeting, Committee members voted an Objection to elements of the above captioned rulemaking, particularly regarding the rulemaking’s departure from longstanding State personnel policies. Comment from the members indicated that the Department could address concerns raised by the members in response to the Objection. The Department declined to do so. This falls short of an acceptable response and so the Committee has determined to publish a Notice of Failure to Remedy the Committee's Objection.
PROCLAMATIONS

2002-590
November 18-22, 2002 as International Education Week

WHEREAS, in partnership with the U.S. Department of State and the U.S. Department of Education, the State of Illinois will celebrate International Education Week November 18-22, 2002. Let us recommit ourselves to promoting tolerance and building friendships between the United States and other nations; and

WHEREAS, international education and exchange include thousands of programs, public and private, campus-based and national, that promote the sharing of ideas and experiences across borders. These include study abroad programs, citizen and scholarly exchanges, foreign students on U.S. campuses, area and foreign language studies, and global approaches to U.S. education. Currently, over 25,400 foreign students are studying at Illinois colleges and universities; and

WHEREAS, in support of U.S. Secretary of State Colin L. Powell and U.S. Secretary of Education Roderick R. Paige, I call upon the citizens and institutions of Illinois to participate in celebrating this week and to recognize the importance of international education in our lives and communities and to promote international educational exchange as a way to enhance mutual understanding and acceptance;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 18-22, 2002, as INTERNATIONAL EDUCATION WEEK in Illinois and encourage all citizens of Illinois to join in this observance.

Issued by the Governor November 15, 2002
Filed by the Secretary of State November 22, 2002

2002-591
November 18, 2002 as Peter Johnson Day

WHEREAS, Peter Johnson was born in Sycamore, Illinois, on November 18, 1922; and
WHEREAS, Mr. Johnson, a life-long resident of Sycamore who served in the U.S. Army during World War II, is one of the most beloved educators and coaches in Sycamore High School history; and

WHEREAS, Mr. Johnson began his employment with the Sycamore School District in 1946 as a middle school teacher, started the seventh-eighth grade football program in 1947, and continued to coach middle school sports for two years; and

WHEREAS, Mr. Johnson then made his way to the freshman-sophomore level, coaching football, basketball and track. He coached sophomore basketball through the 1958 season; and

WHEREAS, Mr. Johnson served as varsity football coach from 1951 through 1967, compiling a record of 115 wins, 22 losses and five ties. Included in that tenure were eight undefeated seasons and 10 conference championships; and

WHEREAS, Mr. Johnson was named Sycamore High School Assistant Principal in 1967 and Principal in 1969. He remained Principal until 1980, when Governor Jim Thompson's staff contracted with Sycamore Schools to have Mr. Johnson serve as Executive Director of the Governor's Council on Vocational Adult and Technical Education; and
WHEREAS, Mr. Johnson served as Executive Director until his retirement in 1995. He has advised the Governor, Legislature, Congress, and U.S. Departments of Labor and Education on educational issues affecting our state and nation's workforce, testifying before the U.S. Senate at their request; and

WHEREAS, Mr. Johnson will celebrate his 80th birthday on November 18, 2002;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 18, 2002, as PETER JOHNSON DAY in Illinois, in honor of his distinguished career at the Sycamore School District and many years of dedicated service to the State of Illinois.

Issued by the Governor November 14, 2002
Filed by the Secretary of State November 22, 2002

2002-592
November 24-30, 2002 as Family Life Week

WHEREAS, the Scottish Rite-Valley of Peoria will celebrate Family Life Week from November 24-30, 2002; and

WHEREAS, the Scottish Rite Masonic Family Life program is intended to strengthen all families within the Peoria community; and

WHEREAS, the program for this year is entitled "America's Greatest Treasure"; and

WHEREAS, Masonic and community families will be honored during this special event;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 24-30, 2002, as FAMILY LIFE WEEK in Illinois, on behalf of the members of the Scottish Rite-Valley of Peoria.

Issued by the Governor November 14, 2002
Filed by the Secretary of State November 22, 2002

2002-593
November 2002 as Alzheimer's Disease Awareness Month

WHEREAS, Alzheimer's disease is a progressive, degenerative disease of the brain and the most common form of dementia. It results in impaired memory, thinking and behavior. Alzheimer's disease usually begins gradually, causing a person to forget recent events and to have difficulty performing familiar tasks; and

WHEREAS, how rapidly the disease advances varies from person to person, causing confusion, personality and behavior changes and impaired judgment. Communication becomes difficult as the person with Alzheimer's disease struggles to find words, finish thoughts or follow directions. Eventually, persons with Alzheimer's disease become totally unable to care for themselves; and

WHEREAS, one in 10 persons over 65 and nearly half of those over 85 have Alzheimer's, and a small percentage of people as young as their 30s and 40s get the disease. A person with Alzheimer's disease will live an average of eight years and as many as 20 years or more from the onset of symptoms; and
PROCLAMATIONS

WHEREAS, today there are more than 4 million Americans with Alzheimer's disease. Unless cure and prevention are found, that number will jump to 14 million by the year 2050. In the State of Illinois, there are more than 200,000 people with Alzheimer's disease;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2002 as ALZHEIMER’S DISEASE AWARENESS MONTH in Illinois.

Issued by the Governor November 13, 2002
Filed by the Secretary of State November 22, 2002

2002-594
November 21, 2002 as Tree Trust Day

WHEREAS, Illinois residents are pleased to congratulate the National Tree Trust on the auspicious milestone of its 10 millionth tree planting; and

WHEREAS, the National Tree Trust has celebrated this milestone by planting the State Tree in Illinois and in every other United States capital city on the 21st day of November, to commemorate the achievement; and

WHEREAS, the Illinois State Tree is a white oak; and

WHEREAS, a tree propagated by Guy and Edie Sternberg from an historically significant white oak tree located near the Lincoln Tomb in Springfield has been grown, nurtured and provided for this special event; and

WHEREAS, the National Tree Trust works hand in hand with national tree planting organizations to ensure broad participation in tree planting programs in Illinois and across the United States; and

WHEREAS, the time and energy of the National Tree Trust staff, in cooperation with the Illinois Department of Natural Resources Urban and Community Forestry program outreach and Southern Illinois University Urban Forestry Volunteer Coordination, has helped 149 groups by providing 211,427 seedlings toward local urban forest management; and

WHEREAS, the work of the National Tree Trust and its partners is beneficial to the overall well-being of citizens of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 21, 2002, as TREE TRUST DAY in Illinois, in an effort to acknowledge, recognize and show appreciation of the past, present and future work of the National Tree Trust in Illinois.

Issued by the Governor November 14, 2002
Filed by the Secretary of State November 22, 2002

2002-595
Commendation to Timothy L. Byrnes

WHEREAS, Timothy L. Byrnes served the Illinois Secretary of State's Office under four different secretaries – Michael Howlett, Alan Dixon, Jim Edgar and George H. Ryan – for more than 17 years, rising from a government intern in the Department of Vehicle Services to the position of Chief Deputy Director; and
WHEREAS, Mr. Byrnes contributed to motor vehicle safety through his work on the titling and registration of Illinois vehicles and coordinated the replating of 6.5 million automobiles; and

WHEREAS, for another 11 years, Mr. Byrnes continued his state service through his work as Tax Processing Program Administrator at the Department of Revenue, Deputy Director of Operations for the Capital Development Board and Chief of Medicaid Integrity for the Department of Public Aid's Office of Inspector General; and

WHEREAS, Mr. Byrnes was recognized in 1986 in Outstanding Young Men of America and in 1990 in Who's Who in Government; and

WHEREAS, Mr. Byrnes performed yeoman's service to professional associations such as American Association of Motor Vehicle Administrators, the Federation of Tax Administrators, the National Governor's Association and the Employers' Association on Illinois; and

WHEREAS, Mr. Byrnes coordinated the implementation of electronic tax filing while at the Department of Revenue and increased Medicaid overpayment collections by 12 percent while at the Department of Public Aid; and

WHEREAS, Mr. Byrnes has been active in his community through service to the Big Brother/Big Sister Program of Sangamon County since 1982; and

WHEREAS, throughout his career, Mr. Byrnes has diligently served the citizens of Illinois every day and lent his considerable personal skills and experience to every task he has undertaken for 28 years;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, issue this certificate of commendation to TIMOTHY L. BYRNES, extending my thanks for his long and honorable service to the State of Illinois.

Issued by the Governor November 14, 2002
Filed by the Secretary of State November 22, 2002

2002-596
November 10-16, 2002 as Perioperative Nurses Week

WHEREAS, surgery today is highly technical, sophisticated and exacting; and

WHEREAS, the operative registered nurse is highly skilled in providing nursing care and managing the perioperative environment in which the patient needs expert care for the mind, body and spirit; and

WHEREAS, the surgical patient and family are experiencing a major event in their lives and the perioperative registered nurse is an expert in allaying the patient's fears, preparing the patient for what will happen during surgery, providing family support, and discussing how the patient will feel during the entire surgical experience; and

WHEREAS, perioperative registered nurses have a long tradition of working toward patient safety and improving the quality of patient care, and surgical patients rely on the skills, knowledge and expertise of perioperative registered nurses;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 10-16, 2002, as PERIOPERATIVE NURSES WEEK in Illinois, recognizing the perioperative registered nurses who care for patients before, during and after surgery.
Issued by the Governor November 13, 2002
Filed by the Secretary of State November 22, 2002

2002-597

Commendation to Dan Williams

WHEREAS, Dan Williams has accrued over 27 years of experience in the Executive and Legislative branches of government, including a nearly 15-year reign as Deputy Director of the Office of the State Fire Marshal, along with stints at the Department of Transportation, Department of Nuclear Safety, Commission on Atomic Energy, Emergency Management Agency and the FBI; and
WHEREAS, Dan Williams received training in Firefighting, Computer Aided Management of Emergency Operations, Radiological Monitoring Instruction and Aerial Radiological Monitoring, management, personnel, strategic planning, professional development and a host of Hazmat/Emergency courses; and
WHEREAS, Dan Williams has served on too many committees and task forces to list in a single proclamation; and
WHEREAS, Dan Williams nearly single-handedly developed the Office of the State Fire Marshal's state-of-the-art command center; and
WHEREAS, Dan Williams is the creator of the State Fire Marshal video conferencing network; and
WHEREAS, Dan Williams' expertise in the fire service and homeland security arenas have made him a highly sought after speaker for statewide, national, and even international conferences; and
WHEREAS, Dan Williams received his Bachelor's of Science Degree in Law Enforcement Administration from Western Illinois University in 1974; and
WHEREAS, the pressures of the Deputy Directorship at the Fire Marshal's Office and the tireless dedication exhibited by Mr. Williams in that position has aged him far beyond the tender age of 49 at which he elected to retire; and
WHEREAS, Dan Williams was an outstanding public servant and his efforts and work will be sorely missed by the State of Illinois and in particular by this administration; and
WHEREAS, his retirement will allow him the well-deserved time to spend with his wife, Judy, and his three children Erin, Janelle and Jarred; and
WHEREAS, Dan William's retirement means that his family will have greater access to him – at least in those rare moments not taken up by golfing, hunting and fishing; and
WHEREAS, Dan's numerous friends and loving family will be celebrating his invaluable years of service to the State of Illinois on Thursday, November 14, 2002, at a "Dan-O-Roast" retirement party in Springfield, Illinois;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, do hereby issue this certificate of commendation to DAN WILLIAMS for his many years of dedicated service to the State of Illinois and bestow best wishes for a wonderful life after retirement.

Issued by the Governor November 14, 2002
Filed by the Secretary of State November 22, 2002

2002-598
November 20, 2002 as Pam McDonough Day

WHEREAS, in January 1999, Pam McDonough was appointed as the first woman Director of the Illinois Department of Commerce and Community Affairs (DCCA); and
WHEREAS, as DCCA Director, Ms. McDonough has presided over the State's premier economic development agency, ably administering more than $2 billion annually in programs and services and directing a staff of more than 500 people; and
WHEREAS, she has implemented programs that successfully market Illinois as a business and tourist destination, retain and attract businesses, train workers, promote technology, assist communities, encourage wise use of our resources, and promote international trade and the Illinois coal and film industries; and
WHEREAS, her outstanding leadership helped Illinois achieve the nation's top ranking from Site Selection magazine as the best state for business development in 2001; and
WHEREAS, her successes have been impressive, leading efforts to bring the Boeing Company's world headquarters to Chicago, convincing Ford Motor Company to locate its Automotive Supplier Manufacturing Campus in Chicago, assisting Solo Cup to expand on a former "brownfield" site, helping ATA choose Midway Airport for its new training center, converting a portion of the Joliet Arsenal to North America's largest intermodal hub, attracting ABN AMRO to unify operations at a new office complex in Chicago's West Loop, convincing Unilever to locate a 1.3 million distribution/repackaging facility in Pontoon Beach, and helping ALCOA choose Illinois when consolidating headquarters facilities, among others; and
WHEREAS, because of her efforts, the Biotechnology Industry Association will hold its international conference in Chicago in 2006; and
WHEREAS, during her tenure at DCCA, businesses in Illinois have created or retained more than 110,000 jobs for Illinois workers; and
WHEREAS, Ms. McDonough's service as DCCA Director is just one chapter in a long career of dedicated service to the people of Illinois, including positions as deputy director of legislative affairs in the Thompson Administration, chief of staff for the Illinois House Minority Leader, and in senior legislative/policy positions for four Illinois State agencies; and
WHEREAS, she also has brought her considerable talents to a number of major task forces, among them serving as Chair of the Governor's Transition Team on Economic Development, as well as serving on several subcabinets and numerous State boards and commissions; and
WHEREAS, in the midst of this busy schedule, she has continued to provide leadership to a number of professional and charitable organizations, earning recognition for her contributions; and

WHEREAS, Ms. McDonough now prepares to continue her State service as Chair of the Local Panel of the Illinois Labor Relations Board;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, do hereby proclaim November 20, 2002, as PAM MCDONOUGH DAY in Illinois, and urge citizens of our State to join with me in recognizing her outstanding leadership and dedication to the economic well-being of the people of Illinois.

Issued by the Governor November 19, 2002
Filed by the Secretary of State November 22, 2002
ILLINOIS REGISTER

PROCLAMATIONS

2002-599
Proclamation to Declare the Election of Statewide Officers on the 5th Day of November, 2002

WHEREAS, on the 5th day of November, 2002, an election was held in the State of Illinois for the election of the following officers, to-wit:

One (1) United States Senator for the full term of six years.
One (1) Governor for the full term of four years.
One (1) Lieutenant Governor for the full term of four years.
One (1) Attorney General for the full term of four years.
One (1) Secretary of State for the full term of four years.
One (1) Comptroller for the full term of four years.
One (1) Treasurer for the full term of four years.

WHEREAS, in pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 25th day of November, 2002, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:

UNITED STATES SENATOR
   Richard J. Durbin
GOVERNOR
   Rod R. Blagojevich
LIEUTENANT GOVERNOR
   Pat Quinn
ATTORNEY GENERAL
   Lisa Madigan
SECRETARY OF STATE
   Jesse White
COMPTROLLER
   Daniel W. Hynes
TREASURER
   Judy Baar Topinka

NOW, THEREFORE, I, GEORGE H. RYAN, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

Issued by the Governor November 25, 2002
Filed by the Secretary of State November 25, 2002

2002-600
Proclamation to Declare the Election of Congressional Representatives, Representatives to the General Assembly, and State Senators on the 5th Day of November,
WHEREAS, On the 5th day of November, 2002, an election was held in the State of Illinois for the election of the following officers, to-wit:

Nineteen (19) Representatives in Congress, to-wit: One (1) Representative in Congress from each of the nineteen (19) Congressional Districts of the State for the full term of two years.

Twenty (20) State Senators, to wit: One (1) State Senator from the 2nd, 5th, 8th, 11th, 14th, 17th, 20th, 23rd, 26th, 29th, 32nd, 35th, 38th, 41st, 44th, 47th, 50th, 53rd, 56th and 59th Legislative District for the full term of two years; Thirty-nine (39) State Senator from the 1st, 3rd, 4th, 6th, 7th, 9th, 10th, 12th, 13th, 15th, 16th, 18th, 19th, 21st, 22nd, 24th, 25th, 27th, 28th, 30th, 31st, 33rd, 34th, 36th, 37th, 39th, 40th, 42nd, 43rd, 45th, 46th, 48th, 49th, 51st, 52nd, 54th, 55th, 57th and 58th Legislative District of the State for the full term of four years.

One Hundred Eighteen (118) Representatives in the General Assembly, to-wit: One (1) Representative from each of the one hundred eighteen (118) Representative Districts of the State for the full term of two years.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this 25th day of November, 2002, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:

REPRESENTATIVES TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS IN THE 108th CONGRESS OF THE UNITED STATES

FIRST CONGRESSIONAL DISTRICT
   Bobby L. Rush
SECOND CONGRESSIONAL DISTRICT
   Jesse L. Jackson, Jr.
THIRD CONGRESSIONAL DISTRICT
   William O. Lipinski
FOURTH CONGRESSIONAL DISTRICT
   Luis V. Gutierrez
FIFTH CONGRESSIONAL DISTRICT
   Rahm Emanuel
SIXTH CONGRESSIONAL DISTRICT
   Henry J. Hyde
SEVENTH CONGRESSIONAL DISTRICT
   Danny K. Davis
EIGHTH CONGRESSIONAL DISTRICT
   Philip M. Crane
NINTH CONGRESSIONAL DISTRICT
   Janice D Schakowsky
TENTH CONGRESSIONAL DISTRICT
   Mark Steven Kirk
ELEVENTH CONGRESSIONAL DISTRICT
PROCLAMATIONS
Gerald C. “Jerry” Weller
TWELFTH CONGRESSIONAL DISTRICT
Jerry F. Costello
THIRTEENTH CONGRESSIONAL DISTRICT
Judy Biggert
FOURTEENTH CONGRESSIONAL DISTRICT
J. Dennis Hastert
FIFTEENTH CONGRESSIONAL DISTRICT
Timothy V. Johnson
SIXTEENTH CONGRESSIONAL DISTRICT
Donald A. Manzullo
SEVENTEENTH CONGRESSIONAL DISTRICT
Lane Evans
EIGHTEENTH CONGRESSIONAL DISTRICT
Ray LaHood
NINETEENTH CONGRESSIONAL DISTRICT
John M. Shimkus

STATE SENATORS TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS IN THE 93rd GENERAL ASSEMBLY OF THE STATE
FIRST LEGISLATIVE DISTRICT
Antonio “Tony” Munoz
SECOND LEGISLATIVE DISTRICT
Miguel Del Valle
THIRD LEGISLATIVE DISTRICT
Margaret Smith
FOURTH LEGISLATIVE DISTRICT
Kimberly A. Lightford
FIFTH LEGISLATIVE DISTRICT
Rickey R. Hendon
SIXTH LEGISLATIVE DISTRICT
John J. Cullerton
SEVENTH LEGISLATIVE DISTRICT
Carol Ronen
EIGHTH LEGISLATIVE DISTRICT
Ira I. Silverstein
NINTH LEGISLATIVE DISTRICT
Jeffrey M. Schoenberg
TENTH LEGISLATIVE DISTRICT
James A. DeLeo
ELEVENTH LEGISLATIVE DISTRICT
Louis S. Viverito
TWELFTH LEGISLATIVE DISTRICT
PROCLAMATIONS
Martin A. Sandoval
THIRTEENTH LEGISLATIVE DISTRICT
Barack Obama
FOURTEENTH LEGISLATIVE DISTRICT
Emil Jones, Jr.
FIFTEENTH LEGISLATIVE DISTRICT
James T. Meeks
SIXTEENTH LEGISLATIVE DISTRICT
Jacqueline “Jacqui” Y. Collins
SEVENTEENTH LEGISLATIVE DISTRICT
Donne E. Trotter
EIGHTEENTH LEGISLATIVE DISTRICT
Edward D. Maloney
NINETEENTH LEGISLATIVE DISTRICT
M. Maggie Crotty
TWENTIETH LEGISLATIVE DISTRICT
Iris Y. Martinez
TWENTY-FIRST LEGISLATIVE DISTRICT
Dan Cronin
TWENTY-SECOND LEGISLATIVE DISTRICT
Steven J. Rauschenberger
TWENTY-THIRD LEGISLATIVE DISTRICT
James ‘Pate’ Philip
TWENTY-FOURTH LEGISLATIVE DISTRICT
Kirk W. Dillard
TWENTY-FIFTH LEGISLATIVE DISTRICT
Chris Lauzen
TWENTY-SIXTH LEGISLATIVE DISTRICT
William E. Peterson
TWENTY-SEVENTH LEGISLATIVE DISTRICT
Wendell E. Jones
TWENTY-EIGHTH LEGISLATIVE DISTRICT
Doris C. Karpiel
TWENTY-NINTH LEGISLATIVE DISTRICT
Susan Garrett
THIRTIETH LEGISLATIVE DISTRICT
Terry Link
THIRTY-FIRST LEGISLATIVE DISTRICT
Adeline Jay Geo-Karis
THIRTY-SECOND LEGISLATIVE DISTRICT
Dick Klemm
THIRTY-THIRD LEGISLATIVE DISTRICT
Dave Sullivan
PROCLAMATIONS
THIRTY-FOURTH LEGISLATIVE DISTRICT
  Dave Syverson
THIRTY-FIFTH LEGISLATIVE DISTRICT
  J. Bradley Burzynski
THIRTY-SIXTH LEGISLATIVE DISTRICT
  Denny Jacobs
THIRTY-SEVENTH LEGISLATIVE DISTRICT
  Dale E. Risinger
THIRTY-EIGHTH LEGISLATIVE DISTRICT
  J. Bradley Burzynski
THIRTY-NINTH LEGISLATIVE DISTRICT
  Pat Welch
FORTIETH LEGISLATIVE DISTRICT
  Don Harmon
FORTY-FIRST LEGISLATIVE DISTRICT
  Debbie DeFrancesco Halvorson
FORTY-SECOND LEGISLATIVE DISTRICT
  Christine Radogno
FORTY-THIRD LEGISLATIVE DISTRICT
  Edward Petka
FORTY-FOURTH LEGISLATIVE DISTRICT
  Lawrence M. “Larry” Walsh
FORTY-FOURTH LEGISLATIVE DISTRICT
  Bill Brady
FORTY-FIFTH LEGISLATIVE DISTRICT
  Todd Sieben
FORTY-SIXTH LEGISLATIVE DISTRICT
  George P. Shadid
FORTY-SEVENTH LEGISLATIVE DISTRICT
  John M. Sullivan
FORTY-EIGHTH LEGISLATIVE DISTRICT
  Peter J. Roskam
FORTY-NINTH LEGISLATIVE DISTRICT
  Vince Demuzio
FIFTIETH LEGISLATIVE DISTRICT
  Larry K. Bomke
FIFTY-FIRST LEGISLATIVE DISTRICT
  Frank Watson
FIFTY-SECOND LEGISLATIVE DISTRICT
  Richard J. (Rick) Winkel, Jr.
FIFTY-THIRD LEGISLATIVE DISTRICT
  Dan Rutherford
FIFTY-FOURTH LEGISLATIVE DISTRICT
  John O. Jones
FIFTY-FIFTH LEGISLATIVE DISTRICT
PROCLAMATIONS
Dale A. Righter
FIFTY-SIXTH LEGISLATIVE DISTRICT
William R. “Bill” Haine
FIFTY-SEVENTH LEGISLATIVE DISTRICT
James F. Clayborne, Jr. II
FIFTY-EIGHTH LEGISLATIVE DISTRICT
David Luechtefeld
FIFTY-NINTH LEGISLATIVE DISTRICT
Larry D. Woolard

REPRESENTATIVES TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS
IN THE 93rd GENERAL ASSEMBLY OF THE STATE
FIRST REPRESENTATIVE DISTRICT
Susana Mendoza
SECOND REPRESENTATIVE DISTRICT
Edward J. Acevedo
THIRD REPRESENTATIVE DISTRICT
William Delgado
FOURTH REPRESENTATIVE DISTRICT
Cynthia Soto
FIFTH REPRESENTATIVE DISTRICT
Kenneth “Ken” Dunkin
SIXTH REPRESENTATIVE DISTRICT
Patricia Bailey
SEVENTH REPRESENTATIVE DISTRICT
Karen A. Yarbrough
EIGHTH REPRESENTATIVE DISTRICT
Calvin L. Giles
NINTH REPRESENTATIVE DISTRICT
Arthur L. Turner
TENTH REPRESENTATIVE DISTRICT
Annazette Collins
ELEVENTH REPRESENTATIVE DISTRICT
John A. Fritchey
TWELFTH REPRESENTATIVE DISTRICT
Sara Feigenholtz
THIRTEENTH REPRESENTATIVE DISTRICT
Larry McKeon
FOURTEENTH REPRESENTATIVE DISTRICT
Harry Osterman
FIFTEENTH REPRESENTATIVE DISTRICT
Ralph C. Capparelli
SIXTEENTH REPRESENTATIVE DISTRICT
PROCLAMATIONS

Lou Lang
SEVENTEENTH REPRESENTATIVE DISTRICT
Elizabeth Coulson
EIGHTEENTH REPRESENTATIVE DISTRICT
Julie Hamos
NINETEENTH REPRESENTATIVE DISTRICT
Joseph M. Lyons
TWENTIETH REPRESENTATIVE DISTRICT
Michael P. McAuliffe
TWENTY-FIRST REPRESENTATIVE DISTRICT
Robert S. Molaro
TWENTY-SECOND REPRESENTATIVE DISTRICT
Michael J. Madigan
TWENTY-THIRD REPRESENTATIVE DISTRICT
Daniel J. Burke
TWENTY-FOURTH REPRESENTATIVE DISTRICT
Frank Aguilar
TWENTY-FIFTH REPRESENTATIVE DISTRICT
Barbara Flynn Currie
TWENTY-SIXTH REPRESENTATIVE DISTRICT
Lovana S. “Lou” Jones
TWENTY-SEVENTH REPRESENTATIVE DISTRICT
Monique D. Davis
TWENTY-EIGHTH REPRESENTATIVE DISTRICT
Robert “Bob” Rita
TWENTY-NINTH REPRESENTATIVE DISTRICT
David E. Miller
THIRTIETH REPRESENTATIVE DISTRICT
William “Will” Davis
THIRTY-FIRST REPRESENTATIVE DISTRICT
Mary E. Flowers
THIRTY-SECOND REPRESENTATIVE DISTRICT
Charles G. Morrow III
THIRTY-THIRD REPRESENTATIVE DISTRICT
Marlow H. Colvin
THIRTY-FOURTH REPRESENTATIVE DISTRICT
Constance A. “Connie” Howard
THIRTY-FIFTH REPRESENTATIVE DISTRICT
Kevin Carey Joyce
THIRTY-SIXTH REPRESENTATIVE DISTRICT
James D. Brosnahan
THIRTY-SEVENTH REPRESENTATIVE DISTRICT
Kevin A. McCarthy
PROCLAMATIONS

THIRTY-EIGHTH REPRESENTATIVE DISTRICT
   Robin Kelly
THIRTY-NINTH REPRESENTATIVE DISTRICT
   Maria Antonia (Toni) Berrios
FORTIETH REPRESENTATIVE DISTRICT
   Richard T. Bradley
FORTY-FIRST REPRESENTATIVE DISTRICT
   Robert A. “Bob” Biggins
FORTY-SECOND REPRESENTATIVE DISTRICT
   Sandra M. Pihos
FORTY-THIRD REPRESENTATIVE DISTRICT
   Douglas L. Hoeft
FORTY-FOURTH REPRESENTATIVE DISTRICT
   Terry R. Parke
FORTY-FIFTH REPRESENTATIVE DISTRICT
   Carole Pankau
FORTY-SIXTH REPRESENTATIVE DISTRICT
   Lee A. Daniels
FORTY-SEVENTH REPRESENTATIVE DISTRICT
   Patricia R. “Patti” Bellock
FORTY-EIGHTH REPRESENTATIVE DISTRICT
   James H. “Jim” Meyer
FORTY-NINTH REPRESENTATIVE DISTRICT
   Timothy L. Schmitz
FIFTIETH REPRESENTATIVE DISTRICT
   Patricia Reid Lindner
FIFTY-FIRST REPRESENTATIVE DISTRICT
   Ed Sullivan, Jr.
FIFTY-SECOND REPRESENTATIVE DISTRICT
   Mark H. Beaubien, Jr.
FIFTY-THIRD REPRESENTATIVE DISTRICT
   Sidney H. Mathias
FIFTY-FOURTH REPRESENTATIVE DISTRICT
   Suzanne “Suzie” Bassi
FIFTY-FIFTH REPRESENTATIVE DISTRICT
   John J. Millner
FIFTY-SIXTH REPRESENTATIVE DISTRICT
   Kathleen L. “Kay” Wojcik
FIFTY-SEVENTH REPRESENTATIVE DISTRICT
   Elaine Nekritz
FIFTY-EIGHTH REPRESENTATIVE DISTRICT
   Karen May
FIFTY-NINTH REPRESENTATIVE DISTRICT
PROCLAMATIONS
Kathleen A. Ryg
SIXTIETH REPRESENTATIVE DISTRICT
Eddie Washington
SIXTY-FIRST REPRESENTATIVE DISTRICT
Timothy H. Osmond
SIXTY-SECOND REPRESENTATIVE DISTRICT
Robert W. Churchill
SIXTY-THIRD REPRESENTATIVE DISTRICT
Jack D. Franks
SIXTY-FOURTH REPRESENTATIVE DISTRICT
Rosemary Kurtz
SIXTY-FIFTH REPRESENTATIVE DISTRICT
Rosemary Mulligan
SIXTY-SIXTH REPRESENTATIVE DISTRICT
Carolyn H. Krause
SIXTY-SEVENTH REPRESENTATIVE DISTRICT
Charles E. “Chuck” Jefferson
SIXTY-EIGHTH REPRESENTATIVE DISTRICT
Dave Winters
SIXTY-NINTH REPRESENTATIVE DISTRICT
Ronald A. Wait
SEVENTIETH REPRESENTATIVE DISTRICT
David A. Wirsing
SEVENTY-FIRST REPRESENTATIVE DISTRICT
Mike Boland
SEVENTY-SECOND REPRESENTATIVE DISTRICT
Joel Brunsvold
SEVENTY-THIRD REPRESENTATIVE DISTRICT
David R. Leitch
SEVENTY-FOURTH REPRESENTATIVE DISTRICT
Donald L. Moffitt
SEVENTY-FIFTH REPRESENTATIVE DISTRICT
Mary K. O’Brien
SEVENTY-SIXTH REPRESENTATIVE DISTRICT
Frank J. Mautino
SEVENTY-SEVENTH REPRESENTATIVE DISTRICT
Angelo "Skip" Saviano
SEVENTY-EIGHTH REPRESENTATIVE DISTRICT
Deborah L. Graham
SEVENTY-NINTH REPRESENTATIVE DISTRICT
John “Phil” Novak
EIGHTIETH REPRESENTATIVE DISTRICT
George Scully
PROCLAMATIONS
EIGHTY-FIRST REPRESENTATIVE DISTRICT
Renée Kosel
EIGHTY-SECOND REPRESENTATIVE DISTRICT
Eileen Lyons
EIGHTY-THIRD REPRESENTATIVE DISTRICT
Linda Chapa-LaVia
EIGHTY-FOURTH REPRESENTATIVE DISTRICT
Tom Cross
EIGHTY-FIFTH REPRESENTATIVE DISTRICT
Brent Hassert
EIGHTY-SIXTH REPRESENTATIVE DISTRICT
Jack McGuire
EIGHTY-SEVENTH REPRESENTATIVE DISTRICT
Bill Mitchell
EIGHTY-EIGHTH REPRESENTATIVE DISTRICT
Dan Brady
EIGHTY-NINTH REPRESENTATIVE DISTRICT
Jim Sacia
NINETIETH REPRESENTATIVE DISTRICT
Jerry L. Mitchell
NINETY-FIRST REPRESENTATIVE DISTRICT
Michael K. Smith
NINETY-SECOND REPRESENTATIVE DISTRICT
Ricca Slone
NINETY-THIRD REPRESENTATIVE DISTRICT
Art Tenhouse
NINETY-FOURTH REPRESENTATIVE DISTRICT
Richard P. “Rich” Myers
NINETY-FIFTH REPRESENTATIVE DISTRICT
Randall M. “Randy” Hultgren
NINETY-SIXTH REPRESENTATIVE DISTRICT
Joe Dunn
NINETY-SEVENTH REPRESENTATIVE DISTRICT
Jim Watson
NINETY-EIGHTH REPRESENTATIVE DISTRICT
Gary Hannig
NINETY-NINTH REPRESENTATIVE DISTRICT
Raymond Poe
ONE HUNDREDTH REPRESENTATIVE DISTRICT
Rich Brauer
ONE HUNDRED AND FIRST REPRESENTATIVE DISTRICT
Julie A. Curry
ONE HUNDRED AND SECOND REPRESENTATIVE DISTRICT
PROCLAMATIONS
Ron Stephens
ONE HUNDRED AND THIRD REPRESENTATIVE DISTRICT
Naomi D. Jakobsson
ONE HUNDRED AND FOURTH REPRESENTATIVE DISTRICT
William B. “Bill” Black
ONE HUNDRED AND FIFTH REPRESENTATIVE DISTRICT
Shane Cultra
ONE HUNDRED AND SIXTH REPRESENTATIVE DISTRICT
Keith P. Sommer
ONE HUNDRED AND SEVENTH REPRESENTATIVE DISTRICT
Kurt M. Granberg
ONE HUNDRED AND EIGHTH REPRESENTATIVE DISTRICT
Charles A. "Chuck" Hartke

Issued by the Governor November 25, 2002
Filed by the Secretary of State November 25, 2002

2002-601
Proclamation to Declare the Election of Regional Superintendents of Schools on the 5th Day of November, 2002.

WHEREAS, On the 5th day of November, 2002, an election was held in the State of Illinois for the election of the following officers, to-wit:

Twenty-eight (28) Regional Superintendents of Schools, to-wit: One (1) Regional Superintendent of Schools from the Adams and Pike Region; Alexander, Johnson, Massac, Pulaski and Union Region; Bond, Effingham and Fayette Region; Boone and Winnebago Region; Brown, Cass, Morgan and Scott Region; Bureau, Henry and Stark Region; Calhoun, Greene, Jersey and Macoupin Region; Carroll, JoDaviess and Stephenson Region; Champaign and Ford Region; Christian and Montgomery Region; Clark, Coles, Cumberland, Douglas, Edgar, Moultrie and Shelby Region; Clay, Crawford, Jasper, Lawrence and Richland Region; Clinton, Marion and Washington Region; DeWitt, Livingston and McLean Region; Edwards, Gallatin, Hardin, Pope, Saline, Wabash, Wayne and White Region; Franklin and Williamson Region; Fulton and Schuyler Region; Grundy and Kendall Region; Hamilton and Jefferson Region; Hancock and McDonough Region; Henderson, Mercer and Warren Region; Iroquois and Kankakee Region; Jackson and Perry Region; Lee and Ogle Region; Logan, Mason and Menard Region; Macon and Piatt Region; Marshall, Putnam and Woodford Region; Monroe and Randolph Region; for the full term of four years.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 25th day of November, 2002, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:

REGIONAL SUPERINTENDENT OF SCHOOLS
ADAMS AND PIKE
PROCLAMATIONS
Raymond A. Scheiter

ALEXANDER, JOHNSON, MASSAC, PULASKI AND UNION
Dan Anderson

BOND, EFFINGHAM AND FAYETTE
Delbert L. Maroon

BOONE AND WINNEBAGO
Richard L. Fairgrieves

BROWN, CASS, MORGAN AND SCOTT
Don Kording

BUREAU, HENRY AND STARK
Bruce Dennison

CALHOUN, GREENE, JERSEY AND MACOUPIN
Larry Pfeiffer

CARROLL, JoDAVIESS AND STEPHENSON
John B. Lang

CHAMPAIGN AND FORD
Judy Pacey

CHRISTIAN AND MONTGOMERY
Greg Springer

CLARK, COLES, CUMBERLAND, DOUGLAS, EDGAR, MOULTRIE AND SHELBY
John McNary

CLAY, CRAWFORD, JASPER, LAWRENCE AND RICHLAND
Samuel T. White

CLINTON, MARION AND WASHINGTON
Danny L. Garrett
DeWITT, LIVINGSTON AND McLEAN
Larry Daghe

EDWARDS, GALLATIN, HARDIN, POPE, SALINE, WABASH, WAYNE AND WHITE
Linda L. Blackman

FRANKLIN AND WILLIAMSON
Barry Kohl

FULTON AND SCHUYLER
Alan L. Coleman

GRUNDY AND KENDALL
Thomas J. Centowski

HAMILTON AND JEFFERSON
P. E. Cross

HANCOCK AND McDONOUGH
Robert Baumann

HENDERSON, MERCER AND WARREN
R. Bruce Hall

IROQUOIS AND KANKAKEE
Kay M. Pangle
NOW, THEREFORE, I, GEORGE H. RYAN, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

Issued by the Governor November 25, 2002
Filed by the Secretary of State November 25, 2002

2002-602
Proclamation to Declare the Election of Judicial Districts on the 5th Day of November, 2002.

WHEREAS, On the 5th day of November, 2002, an election was held in the State of Illinois for the election of the following judges, to-wit:

Supreme Court Judges to fill the vacancy of the Honorable Benjamin K. Miller, Fourth Judicial District.

Appellate Court Judges to fill the vacancy of the Honorable Robert Chapman Buckley, to fill the vacancy of the Honorable William Cousins, Jr., to fill the vacancy of the Honorable Thomas R. Rakowski, First Judicial District; to fill the vacancy of the Honorable Lawrence D. Inglis, to fill the vacancy of the Honorable Robert R. Thomas, Second Judicial District; to fill the vacancy of the Honorable Peg Breslin, Third Judicial District; to fill the vacancy of the Honorable Rita B. Garman, Fourth Judicial District; to fill the vacancy of the Honorable Charles W. Chapman, Fifth Judicial District.

Circuit Court Judges to fill the vacancy of the Honorable Michael B. Bolan, to fill the vacancy of the Honorable Thomas P. Durkin, to fill the vacancy of the Honorable Thomas R. Fitzgerald, to fill the vacancy of the Honorable Thomas A. Hett, to fill the vacancy of the Honorable Aubrey F. Kaplan, to fill the vacancy of the Honorable Leonard L. Levin, to fill the vacancy of the Honorable Donald P. O’Connell, to fill the vacancy of the Honorable Willie Whiting, Cook County Judicial Circuit.

Circuit Court Judges to fill additional judgeship A, Second Subcircuit; to fill additional judgeship A, Third Subcircuit; to fill additional judgeship A, Fourth Subcircuit; to fill additional judgeship A, Fifth Subcircuit; to fill additional judgeship A, Sixth Subcircuit; to fill additional
PROCLAMATIONS

judgeship A, Seventh Subcircuit; to fill the vacancy of the Honorable Morton Zwick, to fill additional judgeship A, Eighth Subcircuit; to fill the vacancy of the Honorable Judith Cohen, to fill additional judgeship A, Ninth Subcircuit; to fill additional judgeship A, Tenth Subcircuit; to fill additional judgeship A, Eleventh Subcircuit; to fill additional judgeship A, Twelfth Subcircuit, to fill the vacancy of the Honorable Adrienne M. Geary, to fill additional judgeship A, Fourteenth Subcircuit; to fill additional judgeship A, Fifteenth Subcircuit, Cook County Judicial Circuit.

Circuit Court Judges to fill the vacancy of the Honorable George Oros, Pulaski County, First Judicial Circuit; to fill the vacancy of the Honorable David L. Underwood, Hamilton County, to fill the vacancy of the Honorable Robert M. Keenan, Jr., Wabash County, Second Judicial Circuit; to fill the vacancy of the Honorable Paul C. Komada, Fifth Judicial Circuit; to fill the vacancy of the Honorable James A. Hendrian, to fill the vacancy of the Honorable Jerry L. Patton, Macon County, Sixth Judicial Circuit; to fill the vacancy of the Honorable Ronald F. Robinson, Scott County, Seventh Judicial Circuit; to fill the vacancy of the Honorable Fred W. Reither, Cass County, to fill the vacancy of the Honorable Stephen G. Evans, Henderson County, Ninth Judicial Circuit; to fill the vacancy of the Honorable Bruce W. Black, to fill the vacancy of the Honorable Donald C. Courson, to fill the vacancy of the Honorable Robert A. Barnes, Jr., Marshall County, Tenth Judicial Circuit; to fill additional judgeship A, to fill the vacancy of the Honorable W. Charles Witte, McLean County, Eleventh Judicial Circuit; to fill additional judgeship A, to fill additional judgeship B, to fill additional judgeship C, to fill additional judgeship D, Twelfth Judicial Circuit; to fill the vacancy of the Honorable Louis J. Perona, to fill the vacancy of the Honorable Robert H. Adcock, Grundy County, Thirteenth Judicial Circuit; to fill the vacancy of the Honorable Ronald C. Taber, to fill the vacancy of the Honorable Clarke C. Barnes, Henry County, Fourteenth Judicial Circuit; to fill the vacancy of the Honorable John W. Rapp, Jr., Carroll County, to fill the vacancy of the Honorable John B. Roe, Ogle County, Fifteenth Judicial Circuit; to fill the vacancy of the Honorable Thomas E. Hogan, to fill the vacancy of the Honorable John W. Countryman, DeKalb County, to fill the vacancy of the Honorable Patrick J. Dixon, Kane County, Sixteenth Judicial Circuit; to fill the vacancy of the Honorable Michael R. Morrison, to fill the vacancy of the Honorable K. Craig Peterson, Seventeenth Judicial Circuit; to fill the vacancy of the Honorable Thomas E. Callum, to fill the vacancy of the Honorable Michael R. Galasso, to fill the vacancy of the Honorable John W. Darrah, DuPage County, Eighteenth Judicial Circuit; to fill the vacancy of the Honorable Bernard E. Drew, Jr., to fill the vacancy of the Honorable Fred A. Geiger, to fill the vacancy of the Honorable Thomas A. Schermerhorn, to fill the vacancy of the Honorable Charles F. Scott, Lake County, Nineteenth Judicial Circuit; to fill the vacancy of the Honorable Roger M. Scrivner, to fill the vacancy of the Honorable Dennis J. Jacobsen, Monroe County, to fill the vacancy of the Honorable Stephen M. Kernan, St. Clair County, Twentieth Judicial Circuit; to fill the vacancy of the Honorable Fred S. Carr, Jr., to fill the vacancy of the Honorable Daniel W. Gould, Twenty-First Judicial Circuit.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 25th day of November, 2002, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:
PROCLAMATIONS

SUPREME COURT JUDGES
FOURTH JUDICIAL DISTRICT
(To fill the vacancy of the Honorable Benjamin K. Miller)
   Rita B. Garman

APPELLATE COURT JUDGES
FIRST JUDICIAL DISTRICT
(To fill the vacancy of the Honorable Robert Chapman Buckley)
   Neil F. Hartigan
   (To fill the vacancy of the Honorable William Cousin, Jr.)
   Denise Margaret O’Malley
   (To fill the vacancy of the Honorable Thomas R. Rakowski)
   James Fitzgerald Smith
SECOND JUDICIAL DISTRICT
(To fill the vacancy of the Honorable Lawrence D. Inglis)
   Barbara Gilleran Johnson
(To fill the vacancy of the Honorable Robert R. Thomas)
   Thomas E. Callum
THIRD JUDICIAL DISTRICT
(To fill the vacancy of the Honorable Peg Breslin)
   Dan Schmidt
FOURTH JUDICIAL DISTRICT
(To fill the vacancy of the Honorable Rita B. Garman)
   John Turner
FIFTH JUDICIAL DISTRICT
(To fill the vacancy of the Honorable Charles W. Chapman)
   Melissa Chapman

JUDGES OF THE CIRCUIT COURT
COOK COUNTY JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Michael B. Bolan)
   Noreen Valeria Love
(To fill the vacancy of the Honorable Thomas P. Durkin)
   Kerry M. Kennedy
(To fill the vacancy of the Honorable Thomas R. Fitzgerald)
   Eileen Mary Brewer
(To fill the vacancy of the Honorable Thomas A. Hett)
   Laura Marie Sullivan
(To fill the vacancy of the Honorable Aubrey F. Kaplan)
   Sheila McGinnis
(To fill the vacancy of the Honorable Leonard L. Levin)
   Margaret Ann Brennan
PROCLAMATIONS
(To fill the vacancy of the Honorable Donald P. O’Connell)
Mary Anne Mason
(To fill the vacancy of the Honorable Willie Whiting)
Lewis Nixon
SECOND SUBCIRCUIT
(To fill additional judgeship A)
Valarie E. Turner
THIRD SUBCIRCUIT
(To fill additional judgeship A)
Janet Adams Brosnahan
FOURTH SUBCIRCUIT
(To fill additional judgeship A)
Peter A. Felice
FIFTH SUBCIRCUIT
(To fill additional judgeship A)
Casandra Lewis
SIXTH SUBCIRCUIT
(To fill additional judgeship A)
Raul Vega
SEVENTH SUBCIRCUIT
(To fill additional judgeship A)
Anthony Lynn Burrell
EIGHTH SUBCIRCUIT
(To fill the vacancy of the Honorable Morton Zwick)
Thomas J. Lipscomb
(To fill additional judgeship A)
Robert E. Gordon
NINTH SUBCIRCUIT
(To fill the vacancy of the Honorable Judith Cohen)
Barbara M Meyer
(To fill additional judgeship A)
Sandra Otaka
TENTH SUBCIRCUIT
(To fill additional judgeship A)
William Timothy O’Brien
ELEVENTH SUBCIRCUIT
(To fill additional judgeship A)
Dennis Michael McGuire
TWELFTH SUBCIRCUIT
(To fill additional judgeship A)
Sandra Tristano
FOURTEENTH SUBCIRCUIT
(To fill the vacancy of the Honorable Adrienne M. Geary)
PROCLAMATIONS

Lawrence O’Gara
(To fill additional judgeship A)

James R. Brown
FIFTEENTH SUBCIRCUIT
(To fill additional judgeship A)

John Thomas Doody, Jr.
FIRST JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable George Oros)

PULASKI COUNTY
William J. “Bill” Thurston
SECOND JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable David L. Underwood)

Barry Leon Vaughan
(To fill the vacancy of the Honorable Robert M. Keenan, Jr.)

WABASH COUNTY
Stephen G. Sawyer
FIFTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Paul C. Komada)

Mitchell K. Shick
SIXTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable James A. Hendrian)

A. G. Webber
(To fill the vacancy of the Honorable Jerry L. Patton)

MACON COUNTY
Katherine (Kitty) McCarthy
SEVENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Ronald F. Robinson)

SCOTT COUNTY
Lois A. Bell
EIGHTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Fred W. Reither)

CASS COUNTY
Bob Hardwick Jr.
NINTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Stephen G. Evans)

HENDERSON COUNTY
David L. Vancil, Jr.
TENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Bruce W. Black)

Stephen A. Kouri
(To fill the vacancy of the Honorable Donald C. Courson)

James E. Shadid
(To fill the vacancy of the Honorable Robert A. Barnes, Jr.)
PROCLAMATIONS
MARSHALL COUNTY
Kevin R. Galley
ELEVENTH JUDICIAL CIRCUIT
(To fill additional judgeship A)
Charles G. Reynard
(To fill the vacancy of the Honorable W. Charles Witte)
McLEAN COUNTY
James E. Souk
TWELFTH JUDICIAL CIRCUIT
(To fill additional judgeship A)
Richard C. Schoenstedt
(To fill additional judgeship B)
Susan T. O’Leary
(To fill additional judgeship C)
Carla Alessio Goode
(To fill additional judgeship D)
Dick Siegel
THIRTEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Louis J. Perona)
Eugene P. “Gene” Daugherity
(To fill the vacancy of the Honorable Robert H. Adcock)
GRUNDY COUNTY
Robert C. Marsaglia
FOURTEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Ronald C. Taber)
Walter D. Braud
(To fill the vacancy of the Honorable Clarke C. Barnes)
HENRY COUNTY
Ted Hamer
FIFTEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable John W. Rapp, Jr.)
CARROLL COUNTY
Val Gunnarsson
(To fill the vacancy of the Honorable John B. Roe)
OGLE COUNTY
Michael T. Mallon
SIXTEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Thomas E. Hogan)
Joseph M. Grady
(To fill the vacancy of the Honorable John W. Countryman)
DeKALB COUNTY
Kurt P. Klein
(To fill the vacancy of the Honorable Patrick J. Dixon)
PROCLAMATIONS
KANE COUNTY
Judy Brawka
SEVENTEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Michael R. Morrison)
    Joseph G. McGraw
(To fill the vacancy of the Honorable K. Craig Peterson)
    Rosemary Collins
EIGHTEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Thomas E. Callum)
    Kathryn Creswell
(To fill the vacancy of the Honorable Michael R. Galasso)
    Michael J. Burke
(To fill the vacancy of the Honorable John W. Darrah)
DuPAGE COUNTY
    John T. Elsner
NINETEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Bernard E. Drew, Jr.)
    Christopher C. “Kip” Starck
(To fill the vacancy of the Honorable Fred A. Geiger)
    Mary S. Schostok
(To fill the vacancy of the Honorable Thomas A. Schermerhorn)
    Michael T. Caldwell
(To fill the vacancy of the Honorable Charles F. Scott)
LAKE COUNTY
    James K. “Jimmy” Booras
TWENTIETH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Roger M. Scrivner)
    James K. Donovan

Issued by the Governor November 25, 2002
Filed by the Secretary of State November 25, 2002

2002-603
Proclamation to Declare the Retention of Judicial Circuit and Court on the 5th Day of November, 2002.

WHEREAS, On the 5th day of November, 2002, an election was held in the State of Illinois for the retention of the following judges, to-wit:
    Supreme Court Judge from the First Judicial District;
    Appellate Court Judges from the First and Third Judicial Districts;
    Circuit Court Judges from the First, Second, Third, Fourth, Fifth, Sixth,
    Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Fourteenth, Fifteenth, Sixteenth,
    Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-first, and Cook County Judicial
    Circuits.
WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 25th day of November, 2002, canvass the same, and as a result of such canvass, did declare retained the following named persons to the following named offices:

RETENTION
JUDGE OF THE SUPREME COURT
FIRST JUDICIAL DISTRICT
Mary Ann G. McMorrow

JUDGE OF THE APPELLATE COURT
FIRST JUDICIAL DISTRICT
Robert Cahill
THIRD JUDICIAL DISTRICT
Tom Lytton

JUDGES OF THE CIRCUIT COURT
FIRST JUDICIAL CIRCUIT
Michael J. Henshaw
James R. “Jim” Williamson
Stephen L. Spomer
Paul S. Murphy
Bruce D. Stewart
Phillip G. Palmer
SECOND JUDICIAL CIRCUIT
Don A. Foster
Loren P. Lewis
E. Kyle Vantrease
Bennie Joe Harrison
THIRD JUDICIAL CIRCUIT
Nicholas G. Byron
Edward C. Ferguson
Phillip J. Kardis
FOURTH JUDICIAL CIRCUIT
Michael Ross Weber
Steven P. Seymour
S. Gene Schwarm
Patrick L. Duke
FIFTH JUDICIAL CIRCUIT
Ashton C. Waller
Tracy W. Resch
Dale A. Cini
SIXTH JUDICIAL CIRCUIT
PROCLAMATIONS
Frank W. Lincoln
John G. Townsend
Thomas J. Difanis
Harry E. Clem
Arnold F. Blockman
SEVENTH JUDICIAL CIRCUIT
Thomas P. Carmody
James W. Day
Thomas G. Russell
Robert J. Eggers
EIGHTH JUDICIAL CIRCUIT
Robert L. Welch
Dennis K. Cashman
Michael R. Roseberry
Mark A. Schuering
Scott H. Walden
Richard D. Greenlief
NINTH JUDICIAL CIRCUIT
James B. Stewart
Ronald C. Tenold
TENTH JUDICIAL CIRCUIT
Richard E. Grawey
Scott A. Shore
ELEVENTH JUDICIAL CIRCUIT
Don Bernardi
G. Michael Prall
TWELFTH JUDICIAL CIRCUIT
Herman S. Haase
Gerald R. Kinney
Amy M. Bertani-Tomczak
Stephen D. White
FOURTEENTH JUDICIAL CIRCUIT
Joseph F. Beatty
Danny A. Dunagan
Charles “Casey” Stengel
FIFTEENTH JUDICIAL CIRCUIT
William A. Kelly
David T. Fritts
SIXTEENTH JUDICIAL CIRCUIT
Michael J. Colwell
Gene Nottolini
Douglas R. Engel
Grant S. Wegner
PROCLAMATIONS
Timothy Q. Sheldon
F. Keith Brown

SEVENTEENTH JUDICIAL CIRCUIT
Ronald L. Pirrello
Gerald F. Grubb

EIGHTEENTH JUDICIAL CIRCUIT
Edward “Ted” R. Duncan, Jr.
Robert J. Anderson
Perry R. Thompson
Hollis L. Webster
George J. Bakalis
Kenneth Moy

NINETEENTH JUDICIAL CIRCUIT
Michael J. Sullivan
Stephen E. Walter
Ward S. Arnold
Jane D. Waller
Sharon Prather

TWENTIETH JUDICIAL CIRCUIT
Michael J. O’Malley
James W. Campanella

TWENTY-FIRST JUDICIAL CIRCUIT
Clark Erickson
Gordon L. Lustfeldt
J. Gregory Householter

COOK COUNTY JUDICIAL CIRCUIT
Anthony S. Montelione
Francis W. Glowacki
Thomas E. Flanagan
Daniel J. Kelley
Daniel J. Lynch
Michael P. Toomin
Richard J. Elrod
Themis N. Karnezis
Philip L. Bronstein
Loretta Carol Douglas
James Patrick Flannery
Judy I. Mitchell-Davis
Mary Ellen Coghlan
Sebastian Thomas Patti
Michele Francene Lowrance
Kathleen Marie McGury
ILLINOIS REGISTER

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PROCLAMATIONS
James P. O’Malley
Shelley Lynn Sutker-Dermer
    Gay-Lloyd Lott
    Lynn Marie Egan
    Gerald C. Bender
    Andrew Berman
Patricia Martin Bishop
Diane Gordon Cannon
    Evelyn B. Clay
Sharon Johnson Coleman
    Clayton J. Crane
    Wilbur E. Crooks
    Daniel P. Darcy
    Donald M. Devlin
David Riley Donnersberger
    Candace Jean Fabri
    John J. Fleming
Rodolfo (Rudy) Garcia
    James J. Gavin
Shelli Williams Hayes
    Vanessa A. Hopkins
    Rickey Jones
    James J. Jorzak
Kathleen G. Kennedy
    William G. Lacy
    Marjorie C. Laws
Veronica B. Mathein
Carol Pearce McCarthy
Barbara A. McDonald
    Mary A. Mulhern
Edward N. Pietruch
Edmund Ponce de Leon
    James L. Rhodes
    Barbara Ann Riley
    James G. Riley
    James T. Ryan
Nancy Drew Sheehan
    Cheryl A. Starks
    David P. Sterba
    Jane Louise Stuart

Issued by the Governor November 25, 2002
Filed by the Secretary of State November 25, 2002
DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

CONTRACTOR PROHIBITED FROM AN AWARD
OF A CONTRACT OR SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Pursuant to the findings In re: Metal Fabricators & Supply, IDOL File No. 03-PW-AL07-0004, the Director of the Department of Labor gives notice that Mr. John Tylka, owner of Metal Fabricators & Supply, otherwise known as Windy City Metal Fabricators and Supply, Inc., and any other officer, partner, shareholder or title holder of Metal Fabricators & Supply, and/or Windy City Metal Fabricators and Supply, Inc., currently located at 3920 West Armitage Avenues, Chicago, Illinois 60647, are prohibited from bidding, accepting or working on any contract or subcontract for a public works project covered by the Prevailing Wage Act, 820 ILCS 130/0.01-12 (2000), commencing November 15, 2002 and continuing through November 15, 2003, with the exception of a current public works project for the City of Harvey in which the Petitioner has a bid.

Copies of the Prevailing Wage Act are available on the internet at <http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm>, and at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217
## Illinois Administrative Code

### Issue Index

Rules acted upon in Volume 26, Issue 49 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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### Adopted Rules

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### Emergency Rules

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### Statements of Recommendations or Suspensions or Prohibited Filings

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  - $200.00  
  - per set

- **Back issue of the Illinois Register (Current Year Only)**  
  - Volume #  
  - Issue #  
  - Date  
  - $10.00  
  - each

- **Cumulative/Sections Affected Indices 1990-2000**  
  - Specify Year(s)  
  - $5.00  
  - each

- **Cumulative Indices to Illinois Register 1981-2000**  
  - Specify Year(s)  
  - $1.00  
  - each

- **Sections Affected Indices to Illinois Register 1984-2000**  
  - Specify Year(s)  
  - $1.00  
  - each

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### Prepayment is Required

- **TOTAL AMOUNT OF ORDER**  
  - $1.50

- **Check**  
  - Make Checks payable to: Secretary of State

- **VISA**  
  - Master Card  
  - Discover  
  - (There is a $1.50 processing fee for credit card purchases.)

  - Card #:  
  - Expiration Date:  
  - Signature:

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**Send Payment to:**  
Index Department  
111 E. Monroe  
Springfield, IL 62756

**Fax order to:**  
(217) 524-0308

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Name:  
Address:  
City:  
State:  
ZIP Code:  
Phone:  
FAX:  
E-mail:

Published by JESSE WHITE • Secretary of State
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